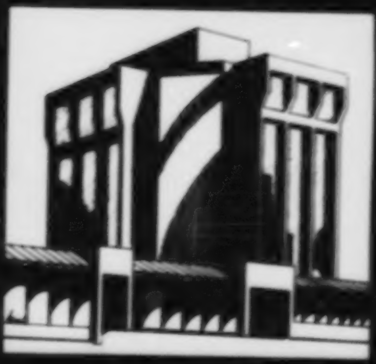
Future Issues in Policing: Symposium Proceedings



Canadian Police College

Edited by Donald J. Loree

Canada

FUTURE ISSUES IN POLICING
SYMPOSIUM PROCEEDINGS

Edited by

Donald J. Loree
Research and Program Development Branch
Canadian Police College

The Canadian Police College

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TABLE OF CONTENTS

Page

I Introduction iii

II The Future of Policing: Learning from History
John Alderson 1

III Law Enforcement Views on Future Policing Issues
Thomas Lyons, Gail O. Burton and Richard Sonnichsen 17

Working Group Report 35

IV Human Rights and Criminal Justice in the 1990's
Stanley A. Cohen 39

Working Group Report 77

V Terrorism and Political Crime: The Challenge of Policing in the Global Village
David Charters 79

Working Group Report 107

VI Demographic Change and the Future of Policing
Rick Linden 111

Working Group Report 129

VII The Future of Drug Control Efforts
John E. Eck 137

Working Group Report 165

VIII Private Police and Public Police: Toward a Redefinition of the Police Role
Philip C. Stenning 169

Working Group Report 193

IX The Role of the Police Leader in the 21st Century
Robert Lunney 197

Participants 215

INTRODUCTION

In recent years there has been a virtual revolution in the practices organizations adopt to approach the future. Led by the "high-tech" sector, long term planning, strategic planning, and similar phrases have become imbedded in the standard rhetoric of industry and business. Governments and public institutions generally, driven more by service demands than the "bottom line," have been somewhat slower to adopt a similar approach. However, the public sector has been subjected to fiscal constraints, and a corresponding requisite of improved planning for the use of limited resources. The consequence has been a rapid expansion of future-oriented attitudes and capabilities by all public institutions, including the police.

In addition, and in this context of probably much greater significance, the police institution is evolving from a primarily reactive and crime-directed philosophy to one that emphasizes community oriented strategies and service functions. By its very nature, such a development means that a future-oriented outlook and planning process are increasingly routine dimensions of police management and planning.

Having inherited the consequences of the present-oriented outlook of ten, fifteen or twenty years ago, when today was the future, modern police managers are now striving to help their departments and their communities prepare for the future. The impact of current decisions affecting everything from personnel policies to organizational structures will be felt for many years to come. As a result strategic and futuristic planning, and more importantly strategic thinking, are now commonly accepted in the police lexicon.

The police, like other organizations and institutions are using their knowledge of the past and present to help understand and prepare for the future. Insofar as it is possible to make them, futuristic projections are useful adjuncts to police planning. While not totally predictable, the future of policing, and the future of the community as well, can benefit from such thought and preparation.

With this in mind, the Research and Program Development Branch of the Canadian Police College proposed a symposium entitled "Future Issues in Policing." The purpose was two-fold: to consider the future of policing and the police environment in an informed manner with an eye to encouraging futuristic planning; and to attempt to identify areas in which policy was needed to deal with the future as perceived by symposium participants.

To this end, the Canadian Police College invited senior police officers, academics and government officials from across Canada to participate in three days of thought and discussion. Several critical areas were identified and knowledgeable speakers were invited to address them. Following the formal presentations, participants joined working groups to debate the issues raised and consider policy implications. This volume contains the papers presented at the symposium as well as brief resumés of working groups' discussions. The orientation to the future is one based upon a sound foundation of knowledge about the past and present and of the processes linking all three.

Donald J. Loree, Ph.D.
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THE FUTURE OF POLICING: LEARNING FROM HISTORY

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> "There is a history in all men's lives,
> Figuring the nature of the times deceased;
> The which observed, a man may prophesy,
> With a near aim, of the main chance of things
> As yet not come to life; which in their seeds,
> And weak beginnings, lie intreasured.
>
> William Shakespeare (1564 - 1616)
> Henry IV Part 11

The Historical Context

Henry Ford, as we all know, was good at making, and selling automobiles, but he was very short on history. During his libel suit against the Chicago Tribune, in July 1919, he made one of his famous declarations - "History is bunk", he said.

He not only revealed his ignorance, but I am sure that he caused many to search for the origin of the expression, 'bunk'. it seems that it arose from the behaviour of a certain Senator for the town of Buncombe in North Carolina, who spoke claptrap and sophistry in Congress, merely to impress his constituents.[3] The first lesson of history for me on this occasion is studiously to avoid 'bunkum'.

This year of 1989 bears witness to the two hundredth anniversary of the French revolution. Last year, was the three hundredth anniversary of the English revolution. Both events have had far reaching consequences for policing throughout the Western world, and each in its own peculiar way is linked with the American revolution (1775 - 1781) and republicanism which, as a political idea, first surfaced in ancient Rome.

History is central to the police official's understanding of his place in the social order. Every time a member of the Spanish Civil Guard is killed by a Basque, or an Officer in the Royal Ulster Constabulary by an IRA terrorist, history is speaking, as it does when an American police officer is concerned in a shoot out, or police officials in Canada have to accommodate differing cultural legacies.

It would not however serve the purpose of this address to go on cataloguing such items, without drawing lessons concerning matters which Shakespeare described as 'things as yet not come to life'.

As senior police executives approach the top positions of their profession, they carefully watch what the top people are doing, and how policies are being fashioned, and implemented.

They attend lectures, and seminars led by the top people, and engage in discussion, sometimes in argument. They are learning from the experience of others. They may agree or disagree, but either way they are learning from this collective experience. But that is not enough, for in their turn they have to bring to bear their unique point of view in a new climate, or under a new regime. That is really what my lecture is about; learning from the experience which is history, in so far as it may inform the minds of senior police executives when facing the challenges of the police task in their own times. A task which on average may occupy some ten years of a career. A short term indeed in the historical context.

Political Institutions and Police

The context in which I propose to speak is that of European civilization, or if you prefer it, Western civilization. The European-North American police experience differs from the European-South American experience, in so far as political institutions have taken on differing characteristics, and differing traditions have been implanted. Democracy has found the South American political soil difficult for growing. I am mainly concerned with the Euro-North American traditions.

As in most other aspects of our political history we tend to begin the search for its meaning amongst the fragments of ancient Greek philosophy which have come down to us. Police is no exception.

In his treatise, "Republic",[1] Plato provides us with a vision of an ideal society, a Utopia. In it he is concerned with concepts of "justice" and "morality", but to achieve the just society under the philosopher kings he requires that there should be auxiliaries - soldiers and police - who are to give effect to the decisions of the guardians by repressing disorder from within, and repelling attacks from without. These auxiliaries represent the national spirit, or the courageous part of the republic.

Historians often comment that the North West Mounted Police of Canada, and its successors manifested a set of social values, such as concern for law and order, parliamentary democracy, and a caring paternalistic imperialism, which have contributed to the dominant values of modern Canada. In the United States of America the officers of the Federal Bureau of Investigation have also been help up as incorruptible agents upholding the Constitution, and representing the old fashioned virtues of good American citizenship. In England for a period of time there was a popularly held view that the police embodied some of the best of the national characteristics. "I believe that the police stand for all we English are, maybe at first appearance slow perhaps, but reliable, stout, and kindly',[1] as one respondent in a social survey put it in 1955.[2] It is unlikely that there would be a consensus on these matters today.

But how do police forces which have served, and do serve, tyrannical, sometimes bestial regimes, accord with Plato's concept of excellence? Well of course Plato was concerned with the ideal society, whereas police like Nazi Germany's Gestapo, and the organised terror of the Cheka, and its offspring in the Soviet Union, are organs of the dominant spirit of depraved regimes. Therefore it seems that the first lesson to be drawn from historical study of police, is the obvious one, that the quality of the nature of police is determined by the quality of the political institutions under which it operates. In other words the police system is the effect and not the cause.

If the proper study of law enforcement is the law, the proper study of police is politics. In practical terms politics is about governmental power, as are police; since, whether good or evil, and they are obviously both, police are the coercive arm of government. And since one of the verities of human affairs is that power has corrupting tendencies, then, as our history tells us, police are vulnerable to this form of debasement.

One of the great historical examples of abuses of police power is to be found in the debasement of that creation of Ancient Rome's most successful police reformer, the Emperor Augustus Caesar's Praetorian Guard, the gendarmerie of its time. Augustus Caesar is described by historians as 'a consummate politician' whose skill, and ability, brought order out of chaos in Rome, and throughout Italy, during his long reign from 31 B.C. until A.D. 14.[3][4] It was he who created the policing system of Urban Cohorts, and the Praetorian Guards under the direction of the Prefect and the Magistrates. It was a police idea acknowledged to be an outstanding contribution to the art of government, and one which has influenced many modern European systems. But after his reign the Praetorian Guards were able to assume a posture, what Gibbon[5] describes as 'a licentious fury, (which) was the first symptom and cause of the decline of the Roman Empire.' Having murdered their Emperor, and assumed a political power on a scale mirrored in our own time by Nazi Germany's S.S., their ultimate act of treason was to auction the Imperial throne to the highest bidder. A student of the science of police accountability, could find much to exercise the mind in a study of the history of the Praetorian Guards of Imperial Rome.

During the centuries which followed the collapse of the Roman Empire in the west (we must not overlook the happenings in Byzantium, particularly the publication of the Institutes of Justinian) there is little history to excite the student of police. Such order as existed was achieved by powerful individuals at the head of roving bands of soldiers, though in the eighth and early ninth century Charles the Great, King of the Franks, created an empire sometimes erroneously referred to as the Holy Roman Empire. It is not until Louis XIV in seventeenth century France, created a police system for Paris, under a Lieutenant de Police, do we witness the first stirrings of a modern version of Rome's original. In England the system of local police, introduced by Alfred the Great in the tenth century, continued to mature, and the colonists brought it with them to North America.

Police State

The European epoch which next deserves our attention, is that which in the seventeenth century saw the creation in Prussia, of what became known as the Polizeistaat, the Police State. Not the totalitarian police state of our time, but certainly its progenitor; a matter which will concern us considerably, and one in which we will owe much of our understanding to the late Professor Brian Chapman.[6] It was a powerful, centralised, and effective bureaucracy, concerned with the welfare, protection, and improvement of society under Frederick William of Prussia (1620 - 88).

The early police state of Prussia, consisted of a paternal bureaucracy in which the Emperor embodied all the police power, as had his Roman predecessors, over a thousand years before. The burgeoning of European political concepts of police at this time owed much to ancient Rome. As for the people, it seems that they were often thankful for the paternalism of the ruler, who provided the security and order, which came as a blessing following the chaos of the Thirty Years War.

The modern western police executive will know, that a feeling of security is the primary demand of the people, though in contemporary society it has to be reconciled with an optimum degree of freedom. History indicates that given the stark choice, most people will opt for security over freedom.

If in eighteenth century Prussia and Austria we had witnessed the benevolent functioning of the monarchical police bureaucracies, it is doubtful whether we would have predicted that they would be the forerunners of the twentieth century police machine which served the totalitarian ambitions of the Nazis.

With the benefits of hindsight we would have been disturbed by the growth and use of secret police infiltrating the entire administration, and reporting secretly to the Emperor personally. The device of policing the police became an art in itself. From our modern democratic police perspective, we would have been concerned to see the concentration of power, and the lack of democratic accountability, a system which was soon to receive a shock as the old order was overthrown by the advent of the French revolution and its aftermath. Once again we are reminded of the historical lesson that the disorder which follows revolution often opens up the way for dictators. The French revolution begat Napoleon, as the English begat Cromwell, and the overthrow of the Weimar Republic begat Hitler, and so on down to the present.

The French revolution resulted in a whole new system of police, fresh constitutional arrangements, and the great Napoleonic Code of laws. These influences are still being felt throughout the world. When contrasted with the American revolution, it reveals that the American colonists did not depart from their English police traditions, and that the maintenance of the police was not a matter that could be left to the central power. After all the British police have never been regarded as the Prince's police. As the twelve nations of Europe currently embark upon the task of reconciling many historical differences in laws and police systems, the question of too centralized a police power will undoubtedly raise its head.

But getting back to this question of how the police system of Bismark's Greater Germany became the tool of the Nazis. We have to accept that no matter how villainous and brutal a police may become, there are always those who will enter its ranks, and carry out its despicable purposes, particularly if they can be convinced that their's is a noble cause. The police executive, even in healthy democracies, has to be constantly on alert for this. But then it is the political power that makes the telling decisions. Post First World War Germany with its new Weimar Republic constitution, and its Parliament, was no match for the determined gang of the National Socialist Party. The striking thing is that Hitler was able to use the democratic procedures, and laws, to achieve ascendancy. The police system was infiltrated, and party members appointed to key positions. Once in power the first step was to bring all the police under one command. In June 1936 Heinrich Himmler became Reichs Fuhrer-SS and Chief of the German Police. First of all the very numerous political police, and then the entire Reche Police became a vast army with thousands of informers of all kinds. The rest is more history. But it is history which haunts not only the German police, but which still raises the spectre of police despotism. There are admirers, and imitators of the Nazi police system in many nations today.

Human Rights and Policing

It is at this juncture however that the senior police executive with an eye on the future, has come to grips with the question of human rights. Admittedly the most civilised nations of the world have the highest regard for the spirit, and the letter of the Universal Declaration, its Conventions and Protocols, and others, such as the European Convention on Human Rights and Fundamental Freedoms. It is the instilling of that spirit into individual police functionaries which is so important, since otherwise the police will not only be out of step with the progressive societies within which they exercise their powers, but they will be liable to create problems and damage the reputation of their departments. The first paragraph if the Preamble to

Universal Declaration could well serve as a motto for any police department.

> 'Whereas the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.'

As I write these notes the world is changing fast the great nations of the USSR and China are experiencing their own struggle for human rights. The world in which the senior police executive functions in future may be moving nearer to that human family of which the Universal Declaration, arising like a phoenix from the ashes of horror and despotism, addresses itself. The lesson here is that police will not readily be excused for retarding, or for not helping the advance of the proper securing of such human rights as fall within their sphere of duty.

Primarily however the history of the police in modern Western democracies is that of maintaining order and controlling crime. It is an ever-changing scene in some ways, though in others it remains the same.

Law Enforcement or Police

Firstly I would like to get a personal idiosyncracy off my chest. It has become the fashion, even in the U.N. Code of Conduct, for police officers to be referred to as law enforcement officers. Now whilst this is not wrong, neither is it wholly right.

Police duty in the best sense is more than law enforcement, which is the negative function. It is also to do with preventing law breaking, and delivering aspects of social service, for example the saving of life; this is the positive side, and for senior police executives in democracies to condone the fudging of this wider definition of police, always leads to public dissatisfaction, and at times to the withdrawal of public support for those police tasks which depend upon it; for example in the detection of crime, and its prosecution. There have been other ways of describing the police function, for example in the common law tradition, Peace Keeping, and High and Low policing in the Napoleonic tradition of Joseph Fouche, Minister of Police in the Post-revolutionary Government of France. The term Peace Keeper tends to describe the overt presence and pacifying influence of police which would include Fouche's 'Low Police'. The 'High Police" of

Fourche's ideology on the other hand, refers to 'the regulating power which is felt everywhere, without ever being seen, and which, at the centre of the State, holds the place which the power which sustains the harmony of the celestial bodies holds in the universe; a power whose regularity strikes us although we are unable to divine the cause. Every branch of the administration has a part which subordinates it to the police.'[6] These Foucheian comments, would probably have been appreciated by other 'High' police, particularly by J. Edgar Hoover.

Both Fouche's and Hoover's careers underline the contention that higher policing is political policing. There is a thin line between using the police legitimately to defend the public order, and using the police to frustrate democracy, or as in Nazi Germany to destroy political opposition.

Experience teaches us that to mix these two policing functions, the overt and accountable, and the covert and privileged, has its drawbacks, as expressed in the Commission of Inquiry Report, Concerning Certain Activities of the Royal Canadian Mounted Police, of 1981, the MacDonald Report.[10] The duty of the overt police to operate within the rule of law suffers in prestige, and respect, where it becomes party to illegal activities of its covert police relation. The one can corrupt the other.

The Rule of Law

Having raised the question of the rule of law in relation to police, the subject deserves further comment. An early idea of the rule of law raises its tiny head on the parchment of the English Magna Carta of 1215, where in Article 39 it says:

> "No free man shall be taken, or disseised, or out-lawed, or exiled, nor will we go or send against him, except by lawful judgment of his peers, or by the law of the land."

Over the intervening eight centuries the concept has been developed, and as we know, has much to say to the police who are governed by it. Perhaps we should remind ourselves that societies which live under the rule of law do so in order to be free from the arbitrary conduct of officials, or powerful individuals, or groups.

Laws have to be known, prospective, general though not vague, clear, reasonably constant, not subject to sudden whimsies, and they must be capable of being complied with. Crucially, officials, for example the police, owe the same respect for the laws as ordinary citizens do, and in this way arbitrary conduct, it is expected will be avoided.

But the rule of law says nothing of democracy, and of justice, in which case it can apply equally to despotic regimes as to liberal democracies. It can be used for the policing of apartheid in South Africa, and for the constitutional seizure of power as illustrated by Hitler's manipulation of the legal processes of the Weinar Republic in the initial stages of the Nazi reach for power.

Allan Bullock in his much respected study of Hitler,[15] comments: 'His insistence upon preserving the forms of legality in the struggle for power, showed a brilliant understanding of the way to disarm opposition'.

To say therefore that the State is founded on force and that such force is legitimate when exercised in conformity of the rule of law begs the question of the morality of the application of that force.

The importance of this fact for senior police executives is that if they rely only on the rule of law for the application of force, they may be creating the build-up of greater future problems. This police problem is illustrated by the findings of the Scarman Inquiry into the inner-city riots in England in 1981.[12]

Lord Scarman commented:

> 'For good practical as well as logical reasons (therefore) it is necessary before attempting an answer to the policing problem to understand the social problem.
>
> I identify the social problem as that of the difficulties, social and economic which beset the ethnically diverse communities who live and work in our inner-cities.
>
> These are difficulties for which the police bear no responsibility, save as citizens, like the rest of us. But, unless the police adjust their policies and operations so as to handle these difficulties with imagination as well as firmness, they will fail: and disorder will become a disease endemic in our society.'

That statement certainly places a heavy responsibility on police leaders, whilst at the same time illustrating the point, that the rule of law, no matter how sedulously adhered to, will not by itself bring about a tranquil social order. The rule of law is not the rule of justice; that is a more elusive political concept.

Continuing pursuit of historical lessons for future consideration brings me to what we will label the designing of crime into society.

Designing Crime Into Society

On January 16th 1920 what has been described as, 'The greatest social experiment of modern times' took place when the Eighteenth Amendment to the U.S. Constitution prohibiting the manufacture, sale or transportation of intoxicating liquors within, the importation thereof from the United States', was ratified. The rest is history, but the great social experiment left its legacy, long after its repeal on December 5th 1933; thirteen years in which the system of Criminal Justice sustained incalculable harm.[13]

Much has been written on the topic, and no senior police executive can fail to profit from studying its cause and effect. The history of national prohibition carries warnings against using the whole weight of a Constitution, and the system of criminal justice, in attempting to solve a social problem by criminal laws, which are impossible adequately to enforce, and which a large proportion of the people find unacceptable, and unnecessary. In this way laws, and their enforcers, are brought into disrepute.

To defy the law on prohibition was to commit "the respectable crime". Respectable citizens and influential groups in tolerating the crime allowed gangsters to prosper. Corruption of judges, state attorneys, and police forces are recorded. The system of criminal justice designed to high and virtuous purposes became perverted. A very high price has been exacted for what began as a good intention. It is doubtful if a similar error will ever be made again. But are there any lessons to be learned?

As the future police leaders grapple with horrendous tasks of controlling drug abuse through the criminal law, the question of some decriminalisation is bound to raise its head if only to focus attention on education, health, welfare, and guidance. In the present climate few public officials dare express such radical views, though it has to be admitted that the criminal justice system has failed to deny the billions of dollars criminal pay off, and to protect the health and lives of many thousands of people.

Drug-related crime chokes the prison system in many countries. The present situation is no more effective than national prohibition was some sixty years ago. Legislators, administrators, and police are in dire need of inspired innovation.

To criminalise the supply of clean needles by doctors, and pharmacists, to drug addicts, with which they inject themselves with illegal drugs, may already have made a significant contribution to the spread of AIDS. Edinburgh, in Scotland, is alleged to have the highest proportion of AIDS suffers in the United Kingdom. Medical opinion is that much of this is due to the use of dirty needles. Doctors were apprehensive about supplying clean needles, and thereby committing a criminal offence. They are now assured that although such supply is still a criminal act, they are not likely to be prosecuted. Although this situation, so far as is known, has not yet been fully researched, it does provide a plausible example once again of negative effects of some forms of criminal legislation: namely, the designing of crime into complex social, health and other problems. Abortion provides further historical examples of this dilemma.

Policing the Dragon's Teeth

The expression, 'sowing the dragon's teeth', which describes the phenomenon of historic events which are perpetrated in such a way as to implant a cause, which sooner or later, will result in a violent reaction. When applied to affairs of state it is a phenomenon which should not escape the senior police executive's understanding, since actions taken today may unnecessarily impose excessive burdens on tomorrow. It is in that sense that the police of today in many countries are policing the consequences of their grandparents' behaviour.

The balance sheet of imperialism may not be all on the debit side, and though some nations were more successful imperialists than others, nevertheless many imperial chickens have come home to roost. The post-imperial phase of European history is still being enacted, and has brought the police, in the countries affected, face-to-face with policing multi-racial societies.

Large minorities with non-European cultural inheritances pose complex policing questions, just as in the past nationalism affected the policing of European minorities. The Jews and the Gypsies are among many historic examples.

There are some built-in political and religious time-bombs requiring much forward thinking and planning. As the prospect of war between nations diminishes, that of war within nations increases. The nation state, a comparative modern vehicle for defence or aggression, is in decline. This is due to a complexity of issues, not least those which are economic and scientific. If the police concerned are going to deal adequately with the challenges posited by such change, they cannot do it alone, for these are basically social and political problems. The police however have to constantly review their recruitment and training policies, their operational style, and their public relations. There are likely to be periodic attempts for the dominant racial element in any society to subvert the police into adopting a racially discriminatory stance. Where there are constitutional defences against racial prejudice, and where an awareness of the letter and spirit of the Universal Declaration of Human Rights[14] is a paramount feature of the ethics of police, then there exist defences against the worst potential excesses. Otherwise the prospects for violent conflict will increase.

Although in the recorded history of mankind the practice of slavery has always existed, it is the impact of the Afro-European slavery of the eighteenth and nineteenth centuries which have had the profoundest impact on policing in the west, and which represent a deep sowing of the dragon's teeth. The history of western slavery is still too close to us to be discussed without emotion, and there is no need for me to go into the matter in detail here, save to raise it in the context of examples of policing the dragon's teeth. I think that most people would agree that the development of a sense of human worth and dignity in people is essential if democratic policing is to succeed without violent repression. The deleterious moral effects of slavery take generations to eradicate. The absence of endemic slavery, and the more benign official policy towards the Indian population in Canada, has, at least in the historic sense, bequeathed a superior moral legacy to the Canadian police.

On June 22 1771 in the case of Somerset, a black man, claimed as a slave in London by one Granville Sharp, the High Court held that as soon as Somerset had set foot on English soil, he became free. But this was at a time when British involvement in the African slave-trade was at its height, though no condition of slavery was acknowledged by the law of England. Today this seems a case of double standards of morality.

Fifteen years after Somerset's case, the People of the United States in 1787, published their Constitution "in order to form a more perfect Union, establish Justice, insure domestic tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity....." And though the Declaration of Independence spoke of all men "being born equal in the sight of God" the practice of slavery continued and grew. Only a most terrible civil war in which some four million soldiers took part finally caused the Thirteenth Amendment to be enacted in 1865, abolishing slavery. Some would say that the Thirteenth Amendment was only consummated in the 1960's through the Civil Rights Movement led by Martin Luther King.

In all of this great human drama the police have been called on to play a central role, and such historical issues continue to surface in many countries.

The violence arising from the history of British rule in Ireland, and latterly in Northern Ireland, provides a further example of policing problems, the seeds of which were sown long ago. In 1866, seven years before the foundation of the North West Mounted Police, a group of 800 armed men were engaged in a battle with young Canadian militiamen just inside the Canadian border at a place called Ridgeway. This was the first time that a force calling itself the Irish Republican Army had ever taken the field.

In the latest and continuing phase of violence in Northern Ireland, which began in 1969, the IRA has killed more than two hundred and fifty Irish police officers, four hundred British soldiers, and one hundred and seventy-two Irish soldiers of the Ulster Defence Regiment. Many terrorists have been killed and many thousands charged with serious crimes. Innocent civilians are often killed.

The history of this particular saga is long and complicated. Commentators remark that as long as Ireland is divided, violent republicanism will be an and ineradicable tradition. Bitterness are prejudice vie for major roles, whilst the police and the army seek to produce a climate fit for civilized life to continue. W.B. Yeats, the Irish poet, around the time of the petition of Ireland in 1922 wrote:

> "Things fall apart; the centre cannot hold;
> Mere anarchy is loosed upon the world. The
> blood-dimmed tide is loosed, and everywhere
> the ceremony of innocence is drowned; The best
> lack all conviction, while the worst are full
> of passionate intensity."

The Second Coming 1921

The Cameron Inquiry[16] set up by the British Government in 1968, reported that there were manifold civic injustices and discrimination against the minority Republican population, which led to 'a growing and powerful sense of resentment and frustration.' On the other hand the majority Protestant and Unionist population, fearing domination by their historic adversaries, saw to it that the policing machine was almost exclusively their own.

The dragon's teeth have been deeply sown in Ireland, and the fanatical terrorism, or freedom fighting, depending on the colour, can attract fresh recruits with each passing generation. The police cannot solve the insoluble, but the history all this provides many lessons for police study.

Future police leaders, and political guardians might have regard for the avoidance of unnecessarily sowing dragon's teeth.

The New European Police

As the Single European Act of 1992 takes effect, the historic Europe of warring nations, is expected to give way to a new Europe of twelve nations in one Community. As internal borders are dismantled, and external borders strengthened, the police of all these nations will be required to come together to formulate future policies. The next decade will place unfamiliar burdens on those European senior police executives who will be expected to collaborate, and to bring forth new ideas of policing, based on some of their better historical principles, whilst abandoning the worst. Perhaps this will cause them to look across the Atlantic, to see some old European police ideas modified, by being set to work in a new environment.

After all, French vines planted in California produce good wines, and after their devastation by Phylloxera, French vines now profit from the grafting on of the roots of disease-resistant American vines.

Conclusion

I feel sure that, given the task of producing a catalogue of historic events, local, national, and international, which will affect policing in the future, each and every one here today could do so. The question which then arises is, what part should such knowledge play in influencing future policy making? The answer is an imponderable one. I think that it must supply a breadth of understanding of human social behaviour in the minds of senior police officials; sufficient to give them confidence, and better judgement. If an adequate understanding of more than 2,000 years of western history is achieved it may minimise the prospect of making the same mistakes again. However I must sound a warning to the effect that ignorance of historical truth renders people more vulnerable to propaganda. Nations are saddled with their history whether they like it or not. Some seek to distort it for their contemporary convenience.

The police will always be called upon to cope with the consequences of history. Perhaps that is what the nineteenth-century English novelist, George Eliot was getting at when she wrote:

> 'The happiest women, like the happiest nations, have no history.'

BIBLIOGRAPHY

1 Plato; 'Republic'; Universal Classics; Leon Urier; New York.

2 Gorer, Geoffrey; 'Exploring English Character'; The Cresset Press, U.K., 1955.

3 Encyclopaedia Brittanica - 14th Edition, London, 1929.

4 Davies, R.W.; 'Pioneers in Policing'. Ed. P.J. Stead. U.K.: McGraw-Hill, 1977.

5 Gibbon, Edward. 'Decline & Fall of the Roman Empire'. Dent Vol. 1, London: 1910.

[6] Chapman, Brian. 'Police State'. London: MacMillan, 1970.

[7] Douthwaite, L. Charles. 'The Royal Canadian Mounted Police'. London: Blackie & Sons, 1939.

[8] Cole, Hubert. 'Fouche - Unprincipled Patriot'. London: Eyre & Spottiswoode, 1979.

[9] Powers, Richard G. 'Secrecy & Power - The Life of J. Edgar Hoover'. London: Hutchinson, 1987.

[10] MacDonald Report. 'Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police'. Ottawa: 1981.

[11] Hohne, Heinz. 'The Order of the Death's Head'. London: Martin Secker & Varburg, 1969.

[12] Scarman, Lord. 'The Brixton Disorders - 10 - 11 April 1981'. Cmnd. 8427; HMSO London.

[13] Sinclair, Andrew. 'Prohibition - The Era of Excess'. London: Faber & Faber, 1962.

[14] United Nations. 'Universal Declaration of Human Rights'. London: 1948.

[15] Bullock, Alan. 'Hitler - A Study in Tyranny'. London: Odhams, 1952.

[16] Cameron, Lord. 'Disturbances in Northern Ireland'. Cmnd. 532 HMSO London.

LAW ENFORCEMENT VIEWS ON FUTURE POLICING ISSUES[1]

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INTRODUCTION

Law enforcement has traditionally been a reactive profession. Once a crime is discovered, the skills and resources required to ensure that justice is served are set into motion. Only recently have we begun to move toward a more proactive stance by attempting to anticipate and deploy the resources necessary to prevent criminal activity. The increased complexity of crime along with the increased mobility and sophistication of the modern criminal, however, suggest that additional preparations may be necessary if the law enforcement community is to meet the challenges of the 21st century.

Society is confronted daily with the problems generated by drugs, violence, civil unrest, and illegal immigration. One does not have to be a police officer to recognize the increasing international ramifications of crime. Sophisticated communication systems and the expanded availability of air travel have made the world a much smaller place. Law enforcement, as well as other segments of our society, must now cope with increasing transnational crime and the pernicious effect it is having on our shrinking globe. Moreover, sociologists and demographers predict the decline of middle class society and a concomitant increase in the number of disenfranchised citizens. This dynamic population will invariably impact and strain the resources of the law enforcement community.

In 1988, the FBI, recognizing the need to anticipate future conditions and influences as a prelude to policy formulation activities, embarked on a futures project entitled "FBI 2000." Research for this project, designed to identify issues which might affect the FBI in the year

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2000, was conducted by the FBI's Office of Program Evaluations and Audits (OPEA). During the initial phase of this study, senior FBI Headquarters executives in Washington, D.C., as well as police officials and academicians from 13 states were interviewed. In order to determine the possible future effect of international influences on law enforcement in the United States, FBI representatives solicited views from police officials in seven countries in Europe and the Far East.

The objective of this report is to publish the highlights of the FBI 2000 project, revealing a number of anticipated future conditions which may influence the shape of FBI organizational policies and procedures over the next decade. Furthermore, this report suggests that police executives, in order to assure success in the years ahead, must become more proficient at looking toward the future and more exacting in anticipating the needs of law enforcement. All of this will occur in increasingly complex social settings and in a world where more intelligent criminals will be aided by increasingly sophisticated technology.

Futures Research

The future is by definition unknowable, but some notion of what it may look like and what influences and conditions may prevail can be assembled. Before the findings of our report are set forth, it may be useful to define what is meant by "future" research. The study of the "future" is not crystal ball gazing but the meticulous collection and analysis of available factual data which, when viewed holistically, produces indicators of future environments. Additionally, "future" research is not a professional discipline; almost anyone can be a futurist. There are no qualifications; a futurist researcher is simply one who calls himself or herself a futurist (Marien, 1985).

Bell (1987) asserts that a review of present and past reality can lead to future predictions. By studying people's perceptions and beliefs of what the future might be and by analyzing people's goals, values, and attitudes, some semblance of future scenarios can then be imagined. The basis of the FBI 2000 project began with the objective to determine the FBI's law enforcement environment in the year 2000. It was decided that the FBI's law enforcement environment is comprised of both internal and external environments. The internal environment is comprised of senior managerial influences inside the FBI while the external environment includes those influences associated with international, Federal, state, and local law enforcement communities. Furthermore, the criminal justice, academic and consultant community, as an adjunct to the external environment, influences the FBI in the form of research, publications, and teaching.

Internally, FBI executive management establishes and promulgates programs and policies that influence the current and future configuration and activities of the organization which are frequently based on their collective knowledge, institutional experience and perception of various trends. Implementation of organizational programs and policies, however, is usually a slow process and when existing policies have outlived their usefulness, phasing them out is usually an equally slow process. Consequently, programs and policies conceived and initiated by FBI management today will usually remain with the organization well into the future. It is essential, therefore, that the information base which serves FBI management's decision support system be comprised of as many forecasts of future conditions as possible, enabling the eventual implementation of policies and operational commitments that will effectively serve the FBI and the citizens of the United States well into the future.

Findings of the FBI 2000 Study

At the outset of this study, FBI senior executives were interviewed in order to identify and prioritize issues they believed had the greatest potential to impact the FBI's future. Listed below are those issues:

1. Budget Issues
2. Personnel
3. Image
4. Technology and Science
5. International Trends and Activities
6. Jurisdictional Coordination
7. Drug Trends
8. Training Issues
9. Legislation

Police executives and academicians were contacted and requested to comment on the nine issues identified by FBI senior management, as well as identify any additional emergent issues they thought would affect the FBI in the future. The following is an examination of comments and observations rendered by those interviewed:

Budget. International, Federal, and local law enforcement executives are in consensus that obtaining adequate funding in the future will be difficult. At the Federal level, it is anticipated there will be increased competition for funds by Federal law enforcement agencies which will be exacerbated by constraining budgetary conditions. The consensus among senior FBI management is that the FBI will, in the face of expanding law enforcement responsibilities, experience a static or, in the worst case, a declining budget. In opposition to this view, however, the academician/consultant portion of the external environment foresees budgetary enhancements accruing to Federal law enforcement as a real possibility.

Should the more dire of the above predictions come to fruition, one response suggested by many FBI and law enforcement executives would be to place greater reliance on technological innovation and, where possible, to share expenses with other agencies. This being the case, essential technological innovations achieved by a consortium comprised of the FBI and other law enforcement agencies will almost certainly result in reduced individual research and development outlays, as well as ensure greater system and equipment compatibility.

Another suggested response to possible diminishing budgetary resources in the future is to combine personnel resources at the interagency level in order to more efficiently and cost effectively attack mutual crime problems. The amalgamation of interagency personnel could take several forms, including expansion of the existing task force concept now employed with local police and various Federal agencies. More complex strategies, according to many high ranking foreign law enforcement executives, would include the short- and long-term exchange of Special Agents (SAs) with personnel of international law enforcement agencies.

Personnel. Organizational success is primarily a function of competent and well motivated personnel, and future organizational achievement unquestionably rests with the ability to successfully recruit and retain a quality work force. This study, however, concluded that there are many factors which will contribute to the erosion of currently held advantages in recruitment, including salary considerations, transfer policies, and increased competition for qualified applicants. Furthermore, the Special Agent investigator population is not the only area for concern regarding FBI personnel. Many general non-technical support employee positions are likely to be declared redundant and eliminated due to enhanced computerization, necessitating the recruitment of professional support staff who possess computer and other technical skills. Moreover, it is anticipated there will be substantial competition for persons who possess technical skills and such personnel, once recruited, will be subjected to persistent recruiting pressures from the private sector.

Demographics will play an increasingly important role in FBI personnel matters. For example, a significant number of Special AGents are expected to retire prior to the year 2000 and must be replaced. The pool from which replacement personnel will be recruited is, according to demographers, expected to diminish in size. Furthermore, this diminishing pool of qualified personnel must not only support the demands of other components of the public sector, but support the personnel demands of an expanding private sector. If law enforcement, at all levels, is to successfully compete for qualified personnel, then innovative recruitment strategies will have to be designed and employed.

The person available for recruitment into law enforcement in the years ahead, according to those interviewed, will be much more interested in making sure personal needs are satisfied and will have little interest in making personal sacrifices for the benefit of the organization. This employee, as projected, is more likely to view law enforcement in terms of a job and less likely as a career, and may be inclined to quickly and frequently change jobs for financial or situational benefit. Consequently, it was suggested this employee will have diminished organizational loyalty and be more willing to challenge authority.

In view of the foregoing, law enforcement organizations will be challenged to find ways in which to successfully instill organizational values and thereby encourage desired ethical responses to the myriad of professional and social issues which will confront the new employee. Success in imparting organizational values to the recruits of the future will directly correlate to the maintenance of quality law enforcement services.

FBI Image. A clear relationship exists between organizational esprit, excellence in performance, and image. The FBI's image is a major factor in attracting new employees, achieving budgetary enhancements, and engendering cooperation from the law enforcement community and the public at large. Specifically, cooperation and interaction between FBI Special Agents and other law enforcement officials, both on a professional and social plane, contribute to the development of a positive FBI image within the law enforcement community. However, a shift in FBI investigative priorities in the mid 1970s to more complex investigations caused a move away from some investigations that traditionally brought FBI Special Agents into sustained contact with local law enforcement officials. In order for the FBI to sustain its very positive image with the local law enforcement community, it will be incumbent upon each FBI Special Agent to cultivate an appreciation for local law enforcement's role. Available opportunities for cooperation must be actively pursued in order to develop essential personal and professional relationships.

Technology and Science. Developing technology and achieving scientific breakthroughs that have application to law enforcement are occurring at an ever increasing rate. The FBI is in the forefront of many of these developments and the future promises increasing developments in many areas, including surveillance technology, automation initiatives and satellite communication capability. FBI commitment to research and development must, therefore, be sustained at both the FBI's Engineering Research Facility (ERF) and the Forensic Science Research and Training Center (FSRTC) at the FBI Academy, Quantico, Virginia.

The FBI of the future will not only have to adhere to its own internal research and development schedule, but must also be responsive to an external schedule as the FBI jointly engages in research and development initiatives with other agencies; both as a cost sharing measure and to consolidate technical expertise. Local law enforcement expects the FBI to provide not only research and development capability but testing for new forensic and technological advances. The FBI Training Academy initiatives in computer science, career criminal research, and offender profiling are frequently cited as successful examples of research and development achievements which are in keeping with the expectations and needs of the law enforcement community.

Not all scientified achievements and technological advances result in immediate positive gains for law enforcement. As an example of the negative aspects of advancing technology, some computer-related developments pose increased potential for conflict with the advocates of personal privacy. One of the potential sources of conflict with privacy advocates centers on "smart cards" which can store the complete biographical, financial, medical, or criminal histories of an individual on a small computer chip. The tangible law enforcement benefits of such a card is limited only by user imagination; however, personal privacy advocates oppose the use of such technology by both the public and private sectors. Conflict generated as a result of those who wish to maximize computer-based technologies with advocates of personal privacy will likely be encountered well into the future. Furthermore, law enforcement data bases also exist that are compatible with the data bases of other agencies, but the information is not shared. One of the major prohibitions to full information sharing among these compatible data bases relates to security and privacy concerns.

According to information obtained during the course of this study, it was advanced that the future will likely witness a decline of privacy restrictions applied to information managed by technologically advanced systems due to pressure from the private sector and for public safety concerns. In tandem with the liberalization of restrictions on the use of advanced technology, it was determined that information security will become more critical to both public and private concerns as these sectors strive to protect the data bases from penetration and manipulation.

International Arena. Law enforcement organizations of the developed and industrialized nations will find that problems associated with increased global migration will both worsen and persist well into the future, as people from repressive and developing countries move in search of economic, political, and social freedom. Those interviewed agreed that a significant portion of the global migration traces to the public media which has portrayed developed nations as a virtual cornucopia of consumer goods and services coupled with an easy life style. Along with these enticements, the availability of inexpensive international air travel, an increase in the number and size of multi-national corporations, an expanding base of international commerce, and growing economic interdependence are other important factors that have influenced increases in migration patterns of the global population.

The issue of concern, however, for the international law enforcement community regarding global migration relates to the ease, speed, and volume of people moving permanently across international boundaries. The challenge posed to law enforcement in the wake of this developing phenomenon centers on how to provide the full range of law enforcement services that will be required by the emerging emigre communities now developing in the host countries.

In many countries, multi-national corporations and the influences of international trade are forcing an easing of visa restrictions, making international travel substantially easier. Additionally, unrestricted travel which is a hallmark of the free world is becoming less of a unique phenomenon in the Union of Soviet Socialist Republics (USSR) and the Peoples Republic of China (PRC). Even though most international travel is for legitimate reasons, relaxed travel controls expose vulnerabilities that criminals and terrorists can easily exploit as they seek to avoid interdiction in order to carry out their criminal aims.

In North America, a new trade agreement between Canada and the U.S. will significantly increase border traffic, making our mutual border more porous than it has been historically. The institution of the European Economic Community y(EEC) initiative in 1992 is also planned to facilitate trade across member borders. In addition to the EEC initiatives, England is busily constructing an under-channel transportation artery which will provide rapid access to the European continent. Each of these initiatives, it is forecasted, will have the eventual effect of further easing existing travel restrictions, thus stimulating even more international travel. Aside from the very positive aspects of these initiatives, increased international travel will, given the transnational character of many forms of crime, significantly impact the international law enforcement community.

Border crossings, for example, between the U.S. and Canada is presently difficult to control and, as the research identified, is expected to become more exacerbated, posing more significant problems for law enforcement. False documentation is easy to obtain and illegal aliens with criminal intentions will almost certainly be able to successfully negotiate one of the busy border crossing points in order to carry out their criminal objectives. Moreover, the U.S. has not effectively stemmed the flow of illegal immigrants across its southern and South Atlantic borders which portends continued problems for the international law enforcement community in the South Atlantic and adjoining Caribbean basi countries.

All of the compelling forces that are compressing the world and its peoples into closer personal and business relationships are similarly pressing on the international law enforcement community into new and innovative relationships. The FBI, according to the results of this study, is increasingly viewed as the U.S. law enforcement agency that should, due to its resource base, jurisdictional span, and operational expertise, achieve and sustain a prominent leadership presence in the international law enforcement arena. The increasing international character of crime and terrorism will generate the need for more FBI international cooperation and the creation of stronger liaison programs. Other important features of this expanding FBI leadership role are likely to include laboratory assistance, facilitation of technology sharing, information exchanges and reciprocal training initiatives, including the sponsorship of international symposiums where problems and new initiatives can be discussed.

The increased investment of foreign money into U.S. businesses and properties will, according to study results, provide the basis on which international crime groups will gain their needed foothold into the U.S. This eventuality will require the FBI to exchange criminal intelligence and criminal history information with foreign governments and members of the international law enforcement community on an ever increasing scale. There will also be a parallel need for the foreign law enforcement community to establish quid pro quo relationships with local law enforcement agencies in the U.S. in order to exchange essential criminal intelligence. The FBI is in an excellent position to serve as a valuable intermediary in this regard inasmuch as foreign law enforcement agencies often find the overlapping character of U.S. law enforcement agencies and jurisdictions confusing. A source of the confusing nature of U.S. law enforcement jurisdictions, for example, can occur when several U.S. law enforcement agencies, each with a legitimate and justifiable jurisdictional interest, make separate inquiries of the same foreign police agency regarding the same criminal investigation. A problem expressed by foreign agencies, although only indirectly related to multi-jurisdictional complexities, occurs when a U.S. law enforcement officer visits the headquarters of a foreign law enforcement service to transact business without prior authentication or advance notice to the foreign agency. As a means to minimize the perplexities associated with uncoordinated and unauthenticated contacts from among members of the international law enforcement community, the FBI, based on worldwide resources, possesses the capability to establish and maintain a centralized information system available to all services. This information system would, as conceived, provide a reliable means through which U.S. and foreign law enforcement agencies could engage in essential information exchanges in a highly effective, secure and coordinated fashion.

From another perspective, the U.S. usually experiences crime trends five to 10 years before they are encountered in other countries. The study participants believe the FBI should host international discussions on crime trends with appropriate foreign and U.S. law enforcement officials. The purpose of these discussions would be to provide results of crime trend analysis and share information regarding successful and unsuccessful strategies utilized against various crime problems.

Communist countries, including the USSR and the PRC should, according to study data, be included in these international discussions. The USSR has established working relationships with some European law enforcement agencies and the PRC has established productive relationships with Pacific law enforcement agencies, as well as with several Western law enforcement organizations. Many of those interviewed encouraged the FBI to serve as the U.S. point of contact for future law enforcement liaison with these regimes.

As was concluded from the study, greater cooperation among the police agencies the world over must be fully developed in order to effectively deal with mutual crime problems. Cooperation must not only be established at case specific levels, but also at the highest corporate levels, enabling the mutual deployment of strategies and complex systems designed to effectively attack international crime. Such cooperation may include the establishment of international criminal intelligence data bases and the development of crime trend analysis capability. Therefore, because of the compelling need to engender more cooperation, coupled with the FBI's international presence and wide investigative jurisdiction, the creation and facilitation of essential cooperation at all levels of law enforcement is viewed as a future imperative that could be substantially advanced by active and sustained FBI participation in the national and international law enforcement arena.

Jurisdictional Coordination. Due to its unique position within the national law enforcement community, the FBI of the future is expected to become increasingly involved in the administrative aspects of reactive categories of crime, particularly as it impacts local jurisdictions. The FBI, in order to fulfill the terms of this administrative role, must reinforce interrelationships with all domestic law enforcement agencies, organize a national clearing house for criminal information, publish pertinent statistical information, disseminate modus operandi (MO) files, and develop a compendia of successful operations gleaned from the nation's law enforcement community.

Future FBI initiatives in this regard will be designed to enhance and fortify law enforcement relationships across jurisdictional boundaries, as well as assist in strengthening domestic crime fighting capability. Moreover, the international law enforcement community will substantially benefit from stronger and better coordinated U.S. law enforcement agencies.

Drug Trends. There will not likely be complete abatement of the drug abuse problem in the U.S. by relying solely on the law enforcement option. The coordination of anti-drug education and research, combined with law enforcement and international cooperation are the viable combinations of multiple options to address this pressing crime problem. Effective coordination in this regard will, according to those surveyed, more clearly delineate which Federal agency has investigative responsibility for particular drug violations.

Additionally, the interview data reveals that local law enforcement jurisdictions are engaging in very successful multi-jurisdictional task forces with the objective of bringing about overall abatement of the drug crime problem; however, those successes have generally not reduced the availability of drugs at the local level. Consequently, in order to address drug related and other persistent crime problems, local jurisdictions may be encouraged to abandon task force commitments and refocus their resources back toward the communities for which they have responsibility. Should this become an eventuality, anti-drug task forces may encounter a reduction of available personnel resources which, in turn, may impair their contribution to the abatement of the drug problem. On the other hand, sharing in the benefits of forfeiture and other monies obtained through these joint operations may be sufficient incentive to encourage continued local participation in the anti-drug task forces. In any event, the formulation of future drug abatement and interdiction strategies should not overlook pressures which may be applied to local police officials to keep their resources focused on local crime problems, precluding their participation in multi-jurisdictional task forces.

Training. The demand for training, according to the data collected, will include more sophisticated technical instruction for FBI employees in order to make more effective use of FBI automation resources and to accelerate competency in the investigation of complex computer crimes. The FBI's provision of training to the local law enforcement community will also continue to receive emphasis. Regional management training will, according to those surveyed, provide senior law enforcement managers with courses somewhat shorter but more sophisticated than those now provided by the FBI National Academy. Additionally, the FBI should look toward expansion of its international training initiatives and provide specialized fora for the exchange of information on training techniques between national and international law enforcement agencies. Additionally, the FBI is in an excellent position to assist in the development of national and international standards for law enforcement training, as well as maximize the benefits of the highly effective "train the trainer" program wherein one officer is trained to provide instruction to other officers. This program also provides an excellent platform for essential standardization of law enforcement training techniques.

The FBI, through its highly effective and long established national and international training programs, is in an excellent position to document the future progress of law enforcement's response to crime. Studies, it is offered, should be undertaken and published by the FBI on important and contemporaneous issues of law enforcement, emphasizing "lessons learned" and the status and prospects of new scientific research. This particular initiative would provide valuable insight and guidance to all members of the law enforcement community.

During the course of this study, it was discovered that many progressive police forces have formed long-range futures planning units. Internationally, the Royal Canadian Mounted Police (RCMP) is active in futures planning and has established their Strategic Planning and Corporate Police Branch to support these types of initiatives. The Federal Republic of Germany's Bundeskriminalamt (BKA), the London, England, Metropolitan Police, and the Australian police forces have also instituted similar futures research units. The possibility, therefore, exists for the formation of highly productive relationships between the FBI and these emerging international futures units. These relationships would afford another opportunity to standardize law enforcement procedures, profit from each futures unit's successes, and become more proficient in anticipating those influences and crime problems important to the law enforcement community of the future.

Legislation. As a result of this study, it is apparent that future legislative initiatives will be required in order to adequately equip law enforcement agencies as they address various crime problems. The FBI will work for the development of legislation of benefit to both the U.S. and international law enforcement communities as a means to achieve eradication of international and transnational crime. For example, international businesses with 24 hour stock trading capability, multinational corporations, electronic fund transfer enterprises, and other similar businesses are, depending upon the jurisdiction, subject to varying degrees of protection under the law. Further, investigations of the more traditional international crime which appears in the form of drug smuggling, terrorism, and fraud, are also impaired by the incompatibility of law among nations. Each law enforcement component in the international law enforcement community, therefore, has a very special responsibility to work for the achievement of compatible criminal law that would deny safe haven to any international criminal.

Based upon conclusions taken from this study, an area that will receive international legislative attention is computer crime as it relates to:

- Theft of services;
- Infringement of intellectual property rights;
- Theft of commercial/industrial secrets;
- Improper use or control of personal data;
- Intentional unauthorized access without intent to gain (hacking);
- Use or manipulation with intent to disrupt operations;
- Computer aided theft, embezzlement and fraud; and

- Telecommunications interception, including satellite, microwave and other high-tech carriers.

Even though compatibility of criminal law among nations is not yet a reality, there is some reason for optimism. The United Nations Conference for narcotics legislation was held in VIenna, Austria, from November 25, 1988 until December 20, 1988, resulting in a draft convention entitled "United Nations Convention AGainst Illicit Traffic in Narcotic Drugs and Psychotropic Substances." This draft provides a strong legal basis for resolving many of the compatibility issues now prevalent in international criminal law. Some of the provisions in this draft include:

- International jurisdiction;
- Confiscation of criminal proceeds/instrumentalities;
- Extradition;
- Mutual legal/investigative assistance; and
- International cooperation/training/research and development initiatives.

Other Law Enforcement Issues. Set forth below are two additional areas relevant to law enforcement of the future which were identified by interviews in the external community. They are:

Privatization of the Police. The study concludes that U.S. law enforcement will evolve into three levels of enforcement as a result of the trend toward privatization of the police; public, private and corporate.

1. Public. Public police agencies of the future are generally predicted to be underfunded, understaffed, undertrained, and ill-equipped. A cumulative result will be the inability to consistently attract or retain the well educated applicant which will impact standards of performance and professionalism. In addition to encountering projected influences which may adversely impact standards of performance and professionalism, the future operational goals of public police organizations are also expected to shift more toward the problems of the disadvantaged and the urban poor.

2. Private. Private police departments that have been created to service society's wealthy enclaves will be held to a high standard of performance. These officers will be better paid, educated, trained, and equipped than their urban public service counterparts.

3. Corporate. The growth of corporate policing has led to the establishment of quasi-criminal justice systems in many major corporations. Corporate security investigators and auditors conduct investigations regarding a wide range of financial crimes such as credit card fraud, computer fraud, or embezzlement. In many cases the corporations, not the courts, decide the disposition of these crimes. For example, major corporate embezzlement, even embezzlement extending into hundreds of thousands of dollars, often results only in the forced resignation of the culprit, not prosecution in a court of law. Corporations lack confidence in the ability of law enforcement to address these investigations in a manner that will protect sensitive corporate business interests. Corporate security has historically been reticent to report white collar crime victimization due to fear of losing shareholder confidence. Consequently, the corporate arena is, according to those interviewed, suffering billions of dollars in losses annually to white collar crime which is not being investigated by law enforcement authorities.

   In recognition of this fact, the survey data reveals the need for the development of closer working relationships with the major corporations in order to increase the level of understanding of each entity's motivations and roles. A positive environment for the development of closer working relationships has been the inclusion of law enforcement executives in major corporate executive training programs. Initiatives such as this may contribute to the future abatement of this particular crime problem; however, law enforcement planners for the future should carefully research the dynamics of this crime phenomenon, seeking to identify all possible means to achieve a lasting remedy.

   The increased utilization of private police and corporate security and the adverse effects of this trend on the law enforcement profession is also discernible in the international law enforcement community. The underfunding of international police agencies, the study reveals, will require the establishment of priorities leaving low priority crimes unaddressed. Private police organizations will be quick to fill the void offering protection, investigation, crime prevention, security services, advice on various crimes that are prevalent within the corporate community, and provision of other services that cannot be adequately supplied by the responsible public law enforcement agency.

Law enforcement's inability to effectively protect those engaging in international commerce, should this projection become a reality, will quite likely force businesses within the international business community to resort to even greater levels of self-protection through establishment or expansion of alternative security arrangements.

Manpower Sharing. The increased reliance on joint investigative task forces involving the FBI, other Federal, local and international law enforcement agencies should continue to develop. This will be in response to the ever increasing complexity of the law, requirements for specialized technical/investigative expertise, jurisdictional demands, language barriers, and sophistication of the criminal enterprise. As the study evidence suggests, cooperation in the future with various levels of law enforcement organizations transcends mere information sharing and will approach combining personnel and other resources.

CONCLUSION

The foregoing substantially represents the collective views of the various components of the FBI's internal and external environments. This report provides a generalized view of issues which are expected to impact the FBI and members of the law enforcement community in the future. It is on the basis of these views and perceptions that law enforcement community leaders will plan and lead their organizations into the 21st century.

The world is changing quickly and the role of the FBI and others in the law enforcement community must continue to evolve in concert with the changing environment. The FBI must remain constantly alert to its own internal and external environments in order to ascertain the nature of organizational or operational adjustments needed to serve the public welfare. The need for continued FBI role clarification, expanded law enforcement cooperation at all levels, and internal institutional adjustments to meet the threat of new criminal activity are all issues demanding attention and further study. For the future, however, law enforcement cooperation may prove to be the most important of all available responses to crime problems of the future. In support of this view, a quote of the late FBI Director J. Edgar Hoover states, "The most effective weapon against crime is cooperation...the efforts of all law enforcement agencies with the support and understanding of the American people." This national spirit of cooperation must now be extended to the international law enforcement community as a result of the pervasive and growing influences of transnational crime. The FBI's future development and participation in the international law enforcement community will rank as a very important component of our plan for the future.

REFERENCES

Bell, Wendell. "Is the Futures Field an Art Form or Can It Become a Science." Futures Research Quarterly 3 (Spring): 27-44, 1987.

Marien, Michael. "Toward a New Futures Research: Insights from Twelve Types of Futurists." Futures Research Quarterly 1 (Spring): 13-35, 1985.

FUTURE ISSUES IN POLICING
FORECASTING THE WORKING ENVIRONMENT IN THE YEAR 2000

REPORT OF THE WORKING GROUP

Our working group was asked to use our knowledge and expertise to assess known information, trends, and possible future developments, as they relate to forecasting the working environment of the police ten to twenty years hence. We were asked to consider the following:

> **What will the future working environment be like and what will be the policing needs?**

Environment

Our working group anticipates that immigration to Canada will increase giving rise to more visible minorities and a concentration of these visible minorities in the urban centres. The group felt that the aging of the baby boom will become a factor and that the political power of this group also will be significant. Discussion in the group suggested that the working environment would be heavily involved in new technologies. This involvement would consist both of working with these technologies and finding new ways to contend with their illegal use.

Policing Needs

In the future, policing needs will require the police to develop much closer relationships with the communities they police. "Community Policing" will be at the centre of our policy decisions.

It was felt with the aging population (baby boom) that victims' rights will become more prominent. The illicit drug trade with the associated increasing violence will put increased demands on our personnel needs and requirements for training.

> **In what ways will the working environment differ from the present and in what ways will it remain the same?**

The group's general consensus on this point was that the "social role" of the police officer will change from our present working environment. Police officers will be proactively seeking the support of the community they serve. They will be out of their patrol cars and involved with various groups that are a part of their particular community.

It was felt that the police departments today have somewhat lagged behind in the field of technology. The future working environment will require the purchase and use of new technology in order that police become more efficient and effective.

What will be major impediments to working in this environment, internally and externally?

Internally, increased stress and the resultant "burnout" will be factors that will demand future considerations. The demands of community policing and the change to this type of policing will give rise to some internal conflicts as the more traditional role of the police officer changes.

Tightening fiscal responsibilities that departments will face and the constant "do more with less" theme will create "impediments" and require innovative measures on behalf of management.

The discussion of external policing environment impediments centred around the power of the press, public apathy and the problems typically seen with ever increasing government deficits.

What will be the major similarities and differences between urban, suburban and rural milieux?

The working group felt that major similarities will be the demand for more services, private police and the increasing demand for community involvement. It is anticipated that there will be many differences in the types of community policing initiatives developed given the differences of individual communities. However, the major theme of involving the client group we serve was constant. The possibility or desirability of delivering policing services universally seen as unlikely. It was felt that variety will be a strength of future policing and that what works in one area might not work another given significant differences between communities.

What technologies will affect the working environment and what will be their impact?

Discussion centred around new technologies such as DNA, detection and surveillance equipment and common networking required between police department technologies. Also evident was the concern over the costs of these new technologies and ever increasing EDP budgets. It was also anticipated that the right to privacy would create problems in the technology field as well as the constant need for new types of training to combat crimes involving the new technologies.

What will be the impact of police unions and labour relations generally on the working environment?

The group voiced concern that police unions would not be as progressive (tolerant) as they have been in the past. Tough fiscal bargaining positions on behalf of management will create a more militant police union membership. It was felt that the new recruits will be much more questioning of management than the recruits of the 1960's. With the advent of the Canadian Charter of Rights and Freedoms and human rights legislation, it is anticipated that police management in the future will constantly be tested by the police unions. In the future, police management must constantly be aware of the union position and, where possible, involve the union in areas of mutual concern to head off needless confrontation.

Suggest Policy relevant to forecasting working environment and addressed to the future needs of:
a) the police organization;
b) the local community; and
c) the state (higher levels of government).

a) To forecast the working environment of the police organization of the future, it was felt that senior management must exploit all avenues of planning available to them. Planning will include employee involvement at all levels. It was also felt that strategic planning of the future would be more of a hands-on effort and, given the ever changing environment, that strategic planning would be looking at shorter time frames.

b) With regard to forecasting the working environment and the local community, it was felt that the marketing of police strategies was paramount. Community policing programs would become more and more an integral part of the overall policing philosophy. This will force the police to ensure that the local community be aware of future strategies or involved in planning these strategies.

c) Considering the working environment and the future needs of the state, the group felt that with constraints and increased competition for government budgets, police organizations will have to establish the integrity of their organizations and the planning process. No longer will forecasts of doom and gloom or extra population necessarily result in extra funding. Our actions in regard to dealing with the various levels of government will have to be well documented and constantly updated to advise the government of our strategies and to obtain the necessary funds.

Delineate policy linkages, and implications, between the levels with particular attention to areas of agreement or conflict.

The thrust of the group discussion in answer to this question was that policing policy, if in line with community values, would for the most part be in harmony with higher levels of government. No significant areas of agreement or conflict were identified. Should conflicts occur, however, police management must be mindful of mediation and communication rather than falling back on the more traditional enforcement mode.

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HUMAN RIGHTS AND CRIMINAL JUSTICE IN THE 1990'S[1]

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Human Rights and Criminal Justice in the 1990's

The emergence of the criminal law from the barbarism of its early history was characterized, quite naturally, by an emphasis on and assertion of basic individual human rights and freedoms. The Universal Declaration of Human Rights and the Canadian Charter of Rights and Freedoms both testify to this development. The basic assertion of the right to life liberty and security of the person and the corollary guarantees of security against unreasonable search and seizure, the right not to be arbitrarily detained or imprisoned, the right not to be subjected to cruel and unusual treatment or punishment as well as the basic safeguards against self-incrimination have their genesis not only in the practices of the Star Chamber but also in the maladministration of criminal justice systems across time and across societies. So too, with the affirmation of the rights of all persons to equality in the administration of the criminal laws.

Basic legal rights, such as the right to be informed of the specific charge that has been brought, the right to trial within a reasonable time, the right to be presumed innocent until proven guilty, the right to bail, the right not to be subjected to double jeopardy or the retroactive application of laws are also the end products of and reactions to an unhappy history of violation in the human rights and criminal justice field. These international and constitutional developments are the natural outgrowth of that history and for this reason reflect a concentration on the protection of the individual qua accused rather than on the protection of the individual as the occupant of some other status within the criminal process.

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[1] An abridged version of this paper was presented at a Working Symposium on "Future Issues in Policing" held at the Canadian Police College in Ottawa, Ontario, on June 27-29, 1989.

The human rights developments of the 1990's will be of a kind that seek to offer a greater measure of protection to individuals other than accused persons who are affected by the operation of the criminal justice system. These developments, which can be viewed as positive expressions of human rights, will come into natural conflict with the system's more traditional area of protection. How these conflicts are ultimately resolved will tell much about the prospects for human rights generally within our society as we approach the 21st century.

This paper attempts to describe the emerging form of, as well as potential jeopardy that awaits, recently enacted and contemplated human rights initiatives in a variety of criminal justice contexts. Thus, recent amendments to the Criminal Code with respect to victims of crime, women and children will be scrutinized for potential Charter incompatibility. Attention will also be paid to the ongoing struggle to preserve changes to Criminal Code's sexual offence provisions which attempt to assist rape victims by ameliorating some of the worst aspects of the criminal process.

Other surveyed developments with significant equality dimensions will affect certain groups pervasively - certainly where those affected are accused persons, but also where they are contemplated as victims, witnesses or important functionaries within the system.

Much attention has recently been concentrated on the plight of Native persons within the criminal justice system. Proposals previously dismissed out of hand for such novel initiatives the creation of alternative court systems are now receiving a respectful audience. However, significant attention has not yet been paid to the equality dimensions of the nostrums that have been proposed. Nevertheless, it is possible, perhaps even likely, that presently operating Commissions of Inquiry, such as those in Manitoba and Nova Scotia, may add their voices to the call for this kind of reform.

Equality concerns will also arise in the 1990's in the context of the effective administration of juvenile justice and the delivery of legal services. The constitutionality of disparate standards of juvenile justice has been the focal point of recent litigation involving the provision of alternative measures and dispositions in the province of Ontario. Earlier Bill of Rights litigation also considered the aspect of differing regional standards in the administration of justice. Although the results arrived at in the pre-

Charter era supported the idea of a "patchwork quilt" system there is reasons to suspect that this reasoning may be more difficult to sustain in the light of our Charter's section 15 requirements.

Victims

The 1980's has been notable for the emergence of the victim from the shadows of the criminal justice system. Victims groups became more numerous and vocal in this decade and governments became more responsive to their pressures. The role of the victim within the criminal justice system has been accorded an unprecedented level of public scrutiny. Thus, the decade saw the publication of the Canadian Federal-Provincial Task Force Report on Justice for Victims of Crime[1], the appearance of a major study by the Correctional Law Review under the auspices of the Solicitor General of Canada entitled Victims and Corrections[2] and the publication of a study prepared for the Canadian Sentencing Commission on The Role of the Victim in Sentencing and Related Processes[3].

In November, 1985 the United Nations General Assembly adopted a Declaration of Basic Principles of Justice For Victims of Crime and Abuse of Power. The Declaration had been sponsored by Canada at the 7th UN Congress on the Prevention of Crime and the Treatment of Offenders.

Under the Declaration

> "victims are entitled to access to the mechanisms of justice and to prompt redress (i.e. restitution and compensation) as provided for by national legislation. The resolution urges member country to ensure that the views and concerns of victims be heard at all appropriate stages of criminal proceedings, to the extent that such participation does not compromise the rights of the accused and is consistent with the nation's criminal justice system. Furthermore, it urges that the criminal justice's drive to avoid unnecessary delay in disposing of cases or granting awards to victims and that restitution and compensation be made available to victims."[4]

(a) the victim fine surcharge

Recent amendments to the Criminal Code seek to make the criminal trial and sentencing processes more responsive and sensitive to the needs of the victim.[5] The new provisions establish a victim fine surcharge system. The system permits courts to impose a victim fine surcharge on persons convicted of any offence under the Criminal Code, Part III or IV of the Food and Drug Act and the Narcotic Control Act.[6] The revenue generated from these fines is to be used to underwrite Provincial and Territorial programs and services designed to assist victims of crime. The amendment allows a surcharge of up to 15 percent of any fine imposed or a flat fee in an amount not greater than $10,000 where no fine is imposed, to be levied in addition to any fine or other punishment.[7]

(b) victim impact statements

The new legislation also recognizes the legality and utility of victim impact statements.[8] The effect of the amendment is to formalize and encourage the use of such statements. Victim impact statements allow victims to describe the harm that has been done to them or the loss suffered as a result of the crime that was committed against them.

The victim impact statement is required to be in writing in a form and in accordance with a procedure established under Provincial regulations. The legislation is obscure with respect to whether the victim should be permitted to make oral representations and whether victims who make statements should be compellable for purposes of direct and cross-examination. (Previous unimplemented initiatives allowed the reception of oral evidence from the victim where deemed necessary in the discretion of the court.) It is possible that under subsection 735(1.3) of the Criminal Code oral evidence might be received since that subsection indicates that the filing of a written victim impact statement that "does not prevent the Court from considering any other evidence concerning any victim of the offence for the purpose of determining the sentence to be imposed on the offender...".

While the legislation attempts to strengthen the rights and address the needs of the victim in the sentencing process it is by no means certain that the legislation will achieve these objectives. Since, in most cases, the victim's position will oppose that of the accused person the victim's assertions must be regarded as aggravating factors bearing on the sentence to be imposed. It is therefore realistic to expect that many defence counsel will wish to subject the victim-deponent to a long and searching cross-examination. The

Supreme Court of Canada held in Gardiner that where there is conflicting evidence at the sentencing stage with respect to factors going to the gravity of the offence the onus is on the Crown to prove the aggravating facts beyond a reasonable doubt.[9] Also the right of the accused to make full answer and defence and the Charter guarantees of fundamental justice under section 7 add strength to the submission that such a full and searching inquiry is merited at this stage of the proceedings. The danger is that, in the long run, the spectre of such an ordeal may create a disincentive for victims to cooperate in prosecutions by providing such statements at the sentencing stage.

(c) restitution

The Criminal Code's victim provisions also require the Court to consider restitution in all cases involving damage loss or destruction of property and money spent because of bodily injuries arising as a result of the crime.[10] In those cases where such damages are readily ascertainable the amendments require the court to assess the loss incurred by the victim as well as the offenders ability to pay.[11] In making an appropriate disposition the court is able to extend the order to pay, vary the time for payments or impose new conditions if the offender has a reasonable excuse for a failure to pay restitution as ordered.[12] Where the offender does not have a reasonable excuse and fails to make restitution the court possesses the ability to impose a prison term.[13]

In cases involving damage to property the amount of damages which are the subject of a restitution order may not exceed the replacement value of the property.[14] In cases of bodily injury damages are limited to pecuniary loss incurred as a result of the bodily injury. This can include loss of income and support. In all cases, however, the amount must be "readily ascertainable".[15] Orders of this nature are deemed to be part of the sentence imposed on the offender and must be "in addition to any other punishment".[16]

While these provisions constitute a significant strengthening of the restitution powers of a criminal court it has been argued that they could have possible negative effects in that the procedures involved might lead to the suppression of the exercise of legitimate prosecutorial discretion in a significant number of criminal cases; or an alteration in the way pleas are negotiated. One critic has posited these hypothetical difficulties:

> "Suppose defence counsel on behalf of the offender offers guilty pleas to a 'representative sample' of a number of charges of false pretences arising from bad cheques each for less than one hundred dollars. The new provisions only allow for restitution for losses as a result of offenses for which the offender has been convicted, and damages are limited to actual loss. What rights will those victims have whose transactions with the offender are not part of the representative sample?
>
> "Suppose as part of a plea negotiation the offender offers to pay a sum in restitution which is less than the readily ascertainable pecuniary damages which the victim has actually suffered, and defence counsel seeks a joint submission to the court suggesting a sentence which includes that sum. While it is settled law in Canada that courts are not bound by the submissions of counsel joint or otherwise, many courts welcome those submissions and they are usually influential. Presumably, the prosecutor would have to seek the victim's permission to enter into such a bargain. Is the prosecutor, therefore, in effect receiving instructions from the victim and has a type of solicitor client relationship been established between them?"[17]

These hypotheticals do not pose insuperable difficulties. However, they do erect practical obstacles to the implementation of the aims and objectives of the legislation in the 1990's. If the prosecutor is given an unfettered discretion to negotiate pleas victims' rights may in the result be transgressed, whereas if the prosecutor is beholden to the victim a process (plea bargaining) that is said by some to be necessary to the effective and efficient administration of justice may be transformed and diminished.

(d) other amendments

Other Code amendments which seek to strengthen victims' rights codify the use of certified photographs as sufficient evidence of the identity of recovered stolen property thereby speeding the early return of such property to victims;[18] and extended judicial discretion to protect the identity of victims and witnesses by permitting the ordering of non-publication of identities of victims in sexual offenses and extortion cases.[19] An ancillary development statutory to these initiatives has been the provision of increased federal funding to provincial and territorial criminal injuries compensation programs in an effort to enhance financial assistance to innocent victims of violent crime. A new victim assistance fund has also been established in order to support the development, by the provinces and territories, of programmes and services for victims of crime. In the years ahead these initiatives should ease some of the burden presently shouldered by victims of crime.

Women

The 1970's and 1980's were decades of ferment with respect to the development of the law of sexual assault. Changes introduced in 1976 to Canada's Criminal Code were extensive and, in contrast with developments in other parts of the common law world, dramatic. The term "rape" itself was dropped from legal parlance and was replaced by the more neutral term "sexual assault". Also, the requirements of penetration and that the victim not be the wife of the assailant were dropped from the statutory formulation of the crime. More recent changes have seen the abrogation of the doctrine of recent complaint and of the corroboration requirement in sexual offense prosecutions. These developments sought to protect women victims from differing forms of abuse, whether at the hands of their assailants, in the workings of the trial process, or in the dynamics of the courtroom. They were viewed as significant victories for the cause of feminism and, in the eyes of many, represented a marked advancement in the human rights of women.

(a) the doctrine of recent complaint

The doctrine of recent complaint was abrogated in Canada in 1983 in Bill C-127. As a result no adverse inference concerning a sexual victim's credibility may now be drawn on the basis that the victim did not promptly complain to someone after the sexual assault. (However, the Crown continues to be able to avail itself of certain positive features of evidence law including the ability to adduce evidence concerning the making of the complaint. Details of the complaint may also be admissible under the general rules of evidence relating to previous consistent statements and, additionally, the victim's complaint is otherwise admissible under general rules of evidence as an exception to the hearsay rule, for example, as an excited utterance or a spontaneous exclamation.)

(b) corroboration

Changes in our laws respecting corroboration have been profound in the sexual assault area but have also extended beyond it.

Corroboration itself is not one single rule but rather a complex network of rules. Prior to 1976 in this country corroboration was required, in some sense, with respect to a sizable list of offenses, only some of which were the so-called sexual offenses. Primary among these were rape, attempted rape, indecent assault on a female, to sexual intercourse with a female provisions (under fourteen and under sixteen years of age and incest. Canadian law was peculiar in that it required corroboration with respect to these offenses whereas in the case of an indecent assault on a male (Section 156) no corroboration of the complainant's testimony was required.

A major change to Canadian law occurred in 1976 when then section 142 of the Criminal Code was repealed. That provision made it mandatory in criminal cases to warn a jury of the danger of convicting an accused on the basis of the uncorroborated evidence of a rape complainant. However, as will be discussed infra this statutory change was followed by a period of uncertainty as to whether an earlier common law warning rule had been reactivated. The matter is conceivably still open to litigation under the Charter. In any event, with respect to incest, gross indecency, sexual assault, and aggravated sexual assault the relevant provisions in the Criminal Code now state that "no corroboration is required for a conviction and a judge shall not instruct the jury that it is unsafe to find the accused guilty in the absence of corroboration".[20]

(c) limiting attacks upon credibility

The repeal of the statutory requirement that a judge warn the jury that it is unsafe to find an accused person guilty in the absence of corroboration in sexual assault cases was accompanied by other provisions that also limited the ability of accused persons to attack the evidence offered by complainants in sexual assault cases. Section 276 of the Criminal Code created a general rule of exclusion which rendered inadmissible relevant and, on occasion, very probative evidence offered to support an accused's defence of consent or apprehended consent to sexual activity. The section does provide three very specific and limited exceptions to the exclusionary rule but it is clear that these exceptions do not encompass every situation in which the evidence of the complainant's sexual conduct with persons other than the accused will have significant probative value to the defence.[21]

Section 277 excludes reputation evidence, whether general or specific that is offered for the purpose of challenging or supporting credibility of the complainant. This section was enacted in order to overcome the judgment of the Supreme Court of Canada in Forsythe[22] which held that former section 142 did not affect the common law right to adduce such evidence. Forsythe arguably widened the scope of admissible evidence that might be offered in an attempt to challenge the complainant's credibility.

Since the enactment of the Canadian Charter of Rights and Freedoms section 276 and 277 have both been challenged as being invalid or inoperative in light of the Charter's guarantees under section 7 and 11(d).[23]

In these cases there is a collision between the application of remedial shield laws designed to protect complaints from the ordeal of undue cross-examination and their effect on the ability of accused persons to fully defend themselves. Critics of the present Code rules argued that while "every possible procedural step should be taken to minimize the encroachment on the witness's privacy... in the end if evidence has sufficient cogency the witness must endure a degree of embarrassment and perhaps psychological trauma. This harsh reality must be accepted as part of the price to be paid to ensure that only the guilty are convicted."[24]

The 1990's may yet see a compromise effected in this area. The courts may find, as one commentator (now a judge) has suggested, that the Code provisions as enacted overreach thus arguably requiring a limited grant of judicial discretionary power to assess the effect on the witness's privacy of admitting the evidence. In those cases where the intrusion is minimal and the probative value significant, critics would argue that section 276 ought to allow for admission.[25]

(d) pornography

During the 1970s and 1980s concerns were repeatedly expressed about a "dramatic increase in sexually explicit material [which had become] more widespread and more easily available throughout Canada". A central feature of this material, according to observers, was the exploitation of women either through their portrayal "as passive victims who derive limitless pleasure from inflicted pain, and subjugation to acts of violence, humiliation and degradation [or] as sexual objects whose only redeeming features are their genital and erotic zones".[26] In 1978 a Report of the Standing Committee on Justice and Legal Affairs declared that the effect of such sexually explicit material "is to reinforce male - female stereotypes to the detriment of both sexes. It attempts to make degradation, humiliation, victimization, and violence in human relationships appear normal and acceptable.... It promotes values and behaviour which are unacceptable in a society committed to equalitarian, consensual, mutual and non-violent human relationships."[27] The 1980's has been the site of successive unsuccessful attempts to fashion legislative solutions to this difficult problem. Compounding the difficulty is the ongoing debate as to the utility and desirability of calling upon the criminal law as an aid in this contentious area of social policy.[28]

The present Criminal Code provision with respect to obscenity, section 163(8) deems obscene "any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and anyone or more of the following subjects, namely, crime, horror, cruelty and violence". Attempts in 1984 to reform this provision added "degrading representations of a male or female person" to the Code definition and severed the link between "sex" and one of the other enumerated subjects.[29] This was an attempt to considerably broaden the definition of obscenity considerably but some critics found the language chosen to be inapposite.[30] In any event this legislation died on the order paper and was not revived in a subsequent Criminal Law Reform Act that was tabled and passed in the next session of Parliament.

Obscenity poses unique difficulties for lawmakers. Precision and certainty of definition have long been an elusive goal. More often than not obscenity statutes are obscured by a mist of vagueness. Vagueness in statutes can lead to arbitrariness in enforcement and leaves the law vulnerable to constitutional attack. For this reason laws purporting to control access to and the distribution of obscene materials in Canada have been subject to challenge and invalidation.[31] Section 163(8) of the Criminal Code itself has also been attacked on the basis that it is void for vagueness but the provision has been upheld notwithstanding the generality of its language.[32]

The most recent attempt to amend the Code's obscenity provisions is to be found in Bill C-54, An Act to Amend the Criminal Code and Other Acts in Consequence Thereof.[33] It failed to gain passage prior to the dissolution of the last session of Parliament. This proposal attempted to avoid problems associated with vagueness by defining pornography in more explicit and precise terms. The proposal attempted, amongst other things, to outlaw any visual depiction of children or young people engaged in sexual conduct, as well as depictions of extreme violence in a sexual context; sexually violent behaviour; degrading acts in a sexual context; bestiality, incest or necrophilia; and certain other sexual conduct. Also, it sought to criminalise any matter or commercial communication that incites, promotes or encourages any such activity.

This endeavour like virtually all recent reform endeavours generated considerable controversy. Particularizing or precisely describing those acts that constitute pornographic depictions carries with it certain risks that this legislation did not successfully avoid. The categorizing of acts, such as intercourse, as pornographic per se when visually depicted leads to a natural objection to the standard as unacceptable on the basis of its implicit rejection of "normal adult human sexual activity". This is also a subset of a larger argument against pornography legislation as an unwarranted and unnecessary limitation on freedom of expression.

At the same time as the legislation was attacked for its specificity it was also attacked for vagueness concerning other aspects of its formulation. These criticisms centred on the meaning of the term "degrading act". A prior attempt to introduce the same term into Canadian obscenity law met with this response:

> "Can one imagine a more indefinite term than 'degraded'? Can one therefore imagine a more dangerous tool in the hands of the government and the censor? From whose perspective is the determination of the degradation to be made? Is it to be made from the perspective of the general contemporary Canadian community, as is the case under the present statute regarding the test of 'undue exploitation of sex', or from that of the members of the group allegedly degraded, for example homosexuals? Degradation like obscenity in general, 'is in the eyes of the beholder'."[34]

The problem of the degradation of women in pornography will remain a focus of concern in the 1990s. Indeed, it has been argued that the "selective degradation of women in this context may contribute to the unequal treatment and physical abuse of women in other contexts, with the result that women [may not receive] the equal benefit of the law and the equal protection of the law which section 15 of the Charter guarantees".[35]

Whether the criminal law is an appropriate tool to deal with some or all aspects of this problem will remain a subject upon which there is deep division of opinion. In 1985 a report on pornography and prostitution in Canada[36] made wide-ranging recommendations on the subject. In addition to recommending changes to the Criminal Code the Special Committee report recommended, inter alia, that human rights commissions should vigorously explore the application of their existing legislation and jurisprudence to pornography issues including exposure to pornography in the work place, stores and other facilities. However, it declined at the time to recommend, as some have urged, that a separate pornography-related offence be added to human rights codes.[37] In addition, the report recommended that the text of what was then section 281.2(2) of the Criminal Code pertaining to hate literature should be amended so as to include graphic representations which promote hatred against women.[38]

(e) Prostitution

A no less vexing issue than pornography is prostitution. It is not an offence in Canada to be a prostitute. A variety of Criminal Code provisions cover most, but not all, aspects of prostitution activity including procuring,[39] living off the avails of prostitution,[40] keeping a common body house,[41] communicating with a person in a public place for the purpose of prostitution or obtaining sexual services,[42] etc. New provisions have been introduced into the Criminal Code in an attempt to deal more effectively with the problems posed by child prostitution.[43]

This subject's relevance to the human rights of women is obvious. Its extreme complexity is also apparent. Women bear a dual burden in this area. Most prostitutes are women or young girls. Prostitutes often start their careers by working the streets as teenagers. It is often contended that these women should be regarded as victims rather than as criminals.[44] At the same time, women who are not prostitutes are often harassed by men seeking services of prostitutes. This age-old phenomenon persists and survives today despite repeated attempts to eradicate it. Diverse approaches to the legislative control of prostitution may be noted across societies and cultures. Recommendations for reform, even in Canada, range from imposition of extreme penalties to complete legalization.

The Fraser Committee recommended in 1985 that the prostitution-related activities of prostitutes and their customers should be removed from the Criminal Code except insofar as they contravene non-prostitution related Code provisions, and do not create a definable nuisance.[45] The Report went on to recommend that the criminal law relating to prostitution establishments should be drawn so as not to thwart the attempts of small numbers of prostitutes to organize their activities out of a place of residence, and so as not to prevent provinces from permitting and regulating small scale, non-residential commercial prostitution establishments employing adult prostitutes.[46]

Neither the orientation of, nor the proposals for change advocated by, the Fraser Committee have found favour with the Government of Canada in the aftermath of the publication of its Report.

Much of the recent public controversy and litigation over existing law has centred on the 1985 amendments of the Criminal Code which made it an offence under paragraph (c) of subsection 213(1) for any person in a public place to stop or attempt to stop anyone or in any manner communicate or attempts to communicate with anyone for the purpose of engaging in prostitution or of obtaining the services of a prostitute. Descriptions of the hardships faced by women who are forced to earn their livelihood as prostitutes in Canada have surfaced in recent litigation questioning the constitutional validity of this provision. The law has been said to contravene sections 2(b) (freedom of expression) and 2(d) (freedom of association) as well as section 7 of the Charter (fundamental justice). The cumulative effect of the provision is to make it an offence for an individual to do what is obviously necessary in order to carry on a lawful activity (i.e. be a prostitute). The issue has divided Provincial courts and is presently before the Supreme Court of Canada.[47]

The enactment of this law was a response to earlier law enforcement difficulties encountered as a result of the Supreme Court of Canada decision in Hutt v. R.[48] Hutt determined, that the predecessor offence of soliciting for purposes of prostitution could not be established unless the activity in question was "pressing and persistent".

The enactment also responded to another shortcoming evident in the caselaw of the day concerning the possibility of convicting a customer of a prostitute under the section.[49] However, the equal enforcement approach adopted in s. 213 to "solving" the harassment problem posed by street prostitution does not satisfy many critics.

> "At first blush, rendering potential customers who solicit prostitutes as liable for their conduct as the prostitutes themselves is simply fair... Be that as it may, these amendments utterly fail to address the real issues associated with street prostitution, further marginalize a class of persons who suffer enough from their involvement with the "sex trade" and pave the way for more hypocrisy, and more unequal enforcement of the law."[50]

(f) Abortion

Abortion, not surprisingly, is expected to remain a contentious human rights issue throughout the 90's. At the time of this writing most Criminal Code controls have been removed from this area as a result of the Supreme Court of Canada decision in Morgentaler.[51] The Supreme Court of Canada in that case was deeply divided on many issues which affect the way in which any future law might be drafted. However, the Court was clear to the effect that then section 251 of the Criminal Code governing the obtaining of a therapeutic abortion did not comport with the principles of fundamental justice as set forth in section 7 of the Charter. The plurality decision, despite its division and complexity, can accommodate the possible re-establishment of an administrative structure regulating and even prohibiting the obtaining of a therapeutic abortion in at least some circumstances. However, any legislation which purports to regulate in this way must be procedurally fair and egalitarian, both in terms of access and application.

Questions relating to equal access and equal benefit of the law have already been raised and litigated in the wake of the Morgentaler decision pertaining to the availability of state funded medical services for abortions.[52] New Criminal Code amendments are anticipated (although "doing nothing" has been urged as a viable option) but constitutional challenges to such provisions are realistic expectation as well. Some of these difficulties have already been identified by commentators.

> "The judges of the majority have agreed that protection of the foetus, which they found to be the primary objective of section 251, would be a valid purpose of legislation by Parliament under criminal law power, if the legislation satisfied Charter standards. This finding is a clear invitation to Parliament to legislate on the subject. Such legislation would have to be balanced against the right of the pregnant women under section 7 of the Charter. It is not clear under what provisions of the Charter, if any, the rights of the foetus would be protected. The court has expressed the abstain from making a finding on the question what the foetus is to be regarded as a person or an individual or one of 'every one'."[53]

In this context it is useful to remember that the constitutional arguments that may be anticipated in this context are by no means restricted to those who favour the pro-choice position. Anti-abortionists believe that section 15 should extend to the unborn. They argue that the present law discriminates, on the basis of age, against the unborn and, on the basis of sex, against fathers of the unborn, who have no right to participate in the decision to terminate a pregnancy.[54] Notwithstanding the recent dismissal of Borowski by the Supreme Court other challenges to the status quo on abortion must be regarded as inevitable.

Children

Children are a subject of concern for the criminal justice system in a variety of ways. The system confronts them as transgressors, victims and witnesses. In the past, the law affecting children proceeded on the basis of certain untested and often unstated hypotheses and assumptions. It is fair to say that past law, both as written and applied, often failed to meet the needs of children.

The substantive and procedural law in relation to crimes committed by children was overhauled with the introduction of the Young Offenders Act in 1984. That

Act replaced the outmoded Juvenile Delinquents Act which was premised on the belief that a child who had committed a delinquency should be treated not as an offender but "as one in a condition of delinquency and therefore requiring help and guidance and proper supervision".[55] By contrast the Young Offenders Act proclaims that "while young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offenses should nonetheless bear responsibility for their contraventions".[56] The new Act also confers upon a young person a multitude of rights, including those protected by the Canadian Charter of Rights and Freedoms that were not part of the Juvenile Delinquents Act. Therefore children under the Young Offenders Act are declared to have the same rights to due process and to fair and equal treatment as adults enjoy. Also, it is recognized that to make these rights meaningful they must be reinforced with special safeguards. Thus the Act attempts to offset the heightened responsibility that children now have for their criminal acts with an enhanced measure of protection that is accorded to them when they are suspected or accused of having committed a crime.

(a) right to counsel

One of the most notable features of the Young Offenders Act reforms is the provision of comprehensively expressed rights to counsel that must be accorded to children and young persons at all stages of the criminal investigation and trial process.[57] The justification for this elaborate recognition of the right to counsel rests largely on an awareness of the limitations inherent in the emotional development, intellect, and maturity of the child. These factors become crucially important to the child at the interrogation stage of a criminal investigation. Thus, section 56 requires that the child receive a clear explanation that he or she is not obliged to make a statement but that if one is made it may be used as evidence in subsequent criminal proceedings. The young person must also be told of the right to consult a lawyer, parent or other person before making a statement and of the possibility of having that person present when any statement is made to the police. In this way the child suspect is well protected in any encounter with the police. However, subsection 56(4) of the Act goes on to allow a young person to waive the right to consult a lawyer or a parent and also to waive the right to have the person consulted present during the taking of a statement. Cases construing this provision have wrestled with what constitutes a valid and effective waiver.[58] Arguably, this kind of waiver is destructive of the protection provided. Some feel that it is nearly inconceivable for a child to make a truly knowing, voluntary and intelligently made waiver of this kind.[59]

The extent of the use of waiver in the interrogation of children is unknown. Empirical investigation in this area of the law, as in so many others, is almost non-existent. Nevertheless, law makers in the 1990's, if they are serious about protecting human rights, will have to guard against the creation of exceptions which effectively swallow the rule.

(b) alternative measures

A further means of protecting children which also recognizes their rehabilitative potential is the Young Offenders Act provision in section 4 permitting resort to voluntary "alternative measures" rather than judicial proceedings.

The kinds of alternative measures contemplated are not spelled out in the legislation. Rather the Act stipulates that the alternative measures that may be resorted to must be part of a program of alternative measures authorized by the Attorney General or designated by the Lieutenant Governor in Council of a province.[60] The resort to alternatives within the criminal justice system to the formal processing of an individual alleged to have committed a criminal offence is commonly referred to as "diversion".[61] Clearly contemplated as alternative measures are pre-trial diversion programs involving out of court settlement or mediation procedures. The variations in the measures that are possible are limited only by the imagination of the jurisdiction concerned. In the main such programs will emphasise community service, restitution, and victim involvement.

By the leaving the determination of the shape and structure of any alternative measures program to the Attorney General or the Lieutenant Governor in Council the decision as to whether any program at all ought to be established is thereby also effectively delegated to the Province. As might be expected the breadth of this delegated authority has led to considerable variation, if not disparity, in the nature and quality of programs offered across the country. Indeed, Canada's most populous province, Ontario, until recently totally abstained from creating any alternative measures programs under the Act. Quite naturally, this led to assertions that Ontario was denying young offenders their rights to equal protection and benefit of the law as guaranteed under section 15 of the Charter.

In 1986, the Ontario Court of Appeal in Hamilton, Asselin and McCullagh (a case involving the non-availability of curative discharge sentencing provisions in Ontario) indicated that although "there may be circumstances which could permit a lack of uniform application of the criminal law, such circumstances are exceptional. ...[I]t is clear that as a general rule it is fundamental that criminal law treat all individuals in like circumstances equally".[62] In March of 1988 the same court when called upon to consider the Young Offenders Act and the absence of a formal alternative measures program in Ontario agreed with the contention that Ontario was creating of disadvantages for young persons within its boundary that were so unfair as to be discriminatory. The failure to provide the benefits statutorily permitted under section 4 created a situation of unconstitutional discrimination and a denial of equality.[63]

The mere creation of an alternative measures program does not of itself protect the rights of children and secure the benefits that are potentially accorded to them under the Young Offenders Act. In the wake of the decision in R. V. S.S., Ontario did create an alternative measures program. The constitutional validity of that program is now under challenge on the basis that the eligibility criteria for the program violates section 15 and section 7 of the Charter.

(c) child pornography and juvenile prostitution

An increased awareness of the problems and the by-products of child sexual abuse in Canada has led to the formulation of specific proposals aimed at the twin phenomena of child prostitution and child pornography. Both phenomena are in some sense the product of child sexual abuse. They come into existence "and can only come into existence, through the base and coldly pre-meditated exploitation of a young person's sexual vulnerability".[64] It has been contended that child pornography is linked to child prostitution inasmuch as the availability of child pornography constitutes a message to consumers of this matter that children are available for illicite sexual purposes.

The Badgeley Committee Report contained wide-ranging recommendations addressing the problems of juvenile prostitution and the exploitation of young persons for pornographic purposes. Certain of its recommendations subsequently found their way into law but others, especially those having to do with the subject of pornography have languished due to the controversy surrounding the attempt to more comprehensively reform pornography laws.

Bill C-54's unimplemented obscenity provisions sought to define as obscene visual depictions of children or young people engaged in sexual conduct and created a new summary conviction offence for possession of child pornography. Also live performances involving children or young people in sexual conduct or any pornographic performance were to be prohibited under the legislation. A particularly important initiative would have made it an offence for any person who "uses, induces, incites, coerces or agrees to use a person who is under the age of 18 years to participate in the production of ... 'pornography'." This was to be an indictable offence punishable up to a maximum term of imprisonment of 10 years. Finally, summary conviction offenses were created making it a crime to exhibit, sell, or rent erotica to persons under the age of 18 years. These child pornography proposals are likely to resurface during the present mandate of the government and if severed from other more controversial proposals are likely to gain passage.

Code reforms have been enacted in the area of juvenile prostitution. Section 212 of the Criminal Code which criminalises living on the avails of prostitution was recently amended so as to make it an aggravated offence punishable by imprisonment up to 14 years to live wholly or in part on the avails of prostitution of another person who is under the age of 18 years of age. This was a direct response to a call for reform found in the Badgley Committee Report. That Report observed that "the oppressive social environment in which young prostitutes are compelled to work, and which the pimp actively engenders, robs these young persons of their human dignity and of opportunities for pursuing a more healthful and constructive way of life. The response of the criminal law to this egregious exploitation of the young must be certain and severe."[65] To ensure that the prosecution and ultimate punishment of those who live off the avails of prostitution is indeed more predictable section 212 now goes on to provide that "evidence that a person lives with or is habitually in the company of a prostitute or lives in a common bawdy house or a house of assignation is, in the absence of evidence contrary proof that the person lives on the avails of prostitution" for the purposes of the section.[66]

This legislative advance may prove short-lived. The subsection's almost identical predecessor was held to be of no force on the basis that it contravened the Charter's guarantee of the presumption of innocence.[67] Support for the new law's prospects may be found in the emerging jurisprudence of the Supreme Court of Canada on the constitutionality of similarly framed statutory presumptions and reverse onus provisions which has been largely favourable to provisions like s. 212(3).[68] Nevertheless, this is a litigation drama which awaits determination in the 1990's.

Another Criminal Code provision enacted in 1987 makes it an offence for any person, in any place, to obtain or attempt to obtain for consideration the sexual services of a person who is under the age of 18 years. A conviction under this provision carries liability to imprisonment for a term not exceeding five years.[69]

Still other amendments affecting the prosecution of child prostitution and other sexual offence proceedings attempt to ease the prosecutor's burden where child victims and witnesses are required to testify. These amendments reflect a preparedness to credit the testimony of the child victim-witness to a far greater extent than ever before. In keeping with the recommendations and analysis in the Badgley Committee Report special corroboration rules and the doctrine of recent complaint have been abrogated insofar as they apply to the testimony of children. Thus in sexual offence prosecutions involving children no corroboration is required and the judge is under a specific obligation not to instruct the jury that it is unsafe to find the accused guilty in the absence of corroboration. Similarly, no adverse legal inference may be drawn as a result of the fact that a child victim did not promptly complain about a sexual assault.[70]

(d) shield laws

One particularly controversial initiative, designed to ameliorate the trauma experienced by some children in testifying, permits the accused person to be excluded from the court room during the testimony of a child complainant where the trial judge is of the opinion that the exclusion is necessary in order to obtain a full and candid account of the complained of acts. However, under the new law an accused may not be excluded from the court room unless arrangements can be made for him to watch the testimony of the complainant by means of closed circuit television or some other means. Also, the accused must be permitted to consult with counsel while watching the testimony.[71] Similar legislative initiatives have been found to offend the guarantees contained in the Sixth Amendment to the American Constitution.[72] The Sixth Amendment differs from provisions in the Canadian Charter of Rights and Freedoms in that it specifically provides for an accused person to be able to "confront" his accuser. Nevertheless, there is a strong argument waiting to be made in the Canadian constitutional context to the effect that a right of confrontation also exists in this country and is subsumed in section 7 of the Charter which guarantees fundamental justice.

Finally, a newly enacted provision of the Criminal Code (s. 715.1) provides that, in sexual offence proceedings in which the complainant was 18 years or less at the time the offence was committed, a videotape made (soon after the commission of the offence) in which the complainant describes the acts complained of may be shown at trial if the complainant adopts the contents of the videotape while testifying.[73] Charter challenges to this provision are inevitable and indeed one court has held it to be unconstitutional as a violaticn of sections 7 and 11(d) of the Charter.[74]

Native Persons

Native offenders are an especially disadvantaged group in Canada. The andturmeasure of the problem has been stated in stark and disturbing terms:

> "[T]he statistics regarding the impact of the criminal justice system on native people... are so stark and appalling that the magnitude of the problem can neither be misunderstood nor interpreted away. Government figures - which reflect different definitions of 'native' and which probably under estimate the number of prisoners who consider themselves native - show that almost 10 percent of the federal penitentiary population is native (including about 13 percent of the federal womens prisoner population) compared to about two percent of the population nationally. In the west and northern parts of Canada where there are relatively high concentrations of native communities the over representation is

> more dramatic. In the Prairie region, natives make up about five percent of the total population, about 32 percent of penitentiary population and in the Pacific region native prisoners constitute about 12 percent of penitentiary population while less than five percent of the regions general population is of native ancestry. Even more disturbing, the disproportionality is growing. Thus in 1965 some 22 percent of the prisoners in Stony Mountain Penitentiary where native; in 1984 this proportion was 33 percent. It is realistic to expect that absent radical change the problems will intensive due to the higher birth rate of native communities. (These figures are drawn from sources referred to in the Correctional Law Reviews Working Paper No. 7, Correctional Issues Affecting Native Peoples, p. 3.)"[75]

As the Canadian Bar study and other reports demonstrate native people come into contact with Canada's correctional systems in numbers that are "grossly disproportionate to their representation in the community" and "more than any other group in Canada they are subject to the damaging impacts of the criminal justice systems heaviest sanctions".[76]

Aboriginal people have not fared well within the criminal justice system since Confederation. While the system is generally held in high regard by most Canadians "it reflects many of the values of our predominantly European heritage".[77] Thus, according to the Bar study, the system prides itself on its attempts to check the improper usurpation of power, while attempting to protect civil liberties and human rights, and promising equal protection and decision-making by one's peers. The actual experiences and perceptions of Native persons who are affected by the criminal justice system differ quite markedly from this majority perspective.

> "For [a significant number of Indian, Metis and Inuit people] the courts, police, prisons and lawyers represent elements of a foreign system - our "injustice" system. The values represented by basic tenets of the general private and public law are not values to which they adhere. The emphasis on individuals and personal rights as against the interests of the community is not shared by many Aboriginal Peoples living in Canada. The legal system is

> not viewed as a protector of what they hold dear, but, rather, as an enforcer of non-aboriginal law upon them. Other than in some parts of the Northwest Territories, Aboriginal people are not judged by juries of their peers. The courts do not reflect the attitudes of their communities. The disproportionate use of incarceration against Aboriginal people hardly generates the belief that the justice system is blind when it comes to the colour of the accused."[78]

Whether the question of prison over-representation due to disparate sentencing practices will be amenable to effective constitutional attack under section 15 remains to be seen. Easier to envision is the prospect of attempts to reform the institutional and structural setting in which the investigation, prosecution and sentencing processes takes place in relation to native offenders. Hopefully significant attention will be devoted to these questions in the final reports of the Donald Marshall Inquiry in Nova Scotia and the Aboriginal Justice Inquiry in Manitoba.

The attempt to ameliorate the conditions facing Native persons within the criminal justice system can have no prospect of success unless the special problems and needs of native persons stemming from their unique social, cultural, and spiritual backgrounds are addressed. The legal, political and constitutional obstacles to be overcome are formidable.

If historical injuries and wrongs are to be redressed in the 90's significant reforms will have to be undertaken in such areas as:

Native Policing;
Alternatives to Incarceration;
The Establishment of Aboriginal Courts;
The Creation of Special Justice of the Peace Programs;
Increased Representation of Aboriginal People as Justice and Correctional System Personnel;
Correctional Law Reform;
The Provision of Recognition of Traditional Native Law and Dispute Resolution Procedures;
Alteration of the Jury System; and
The Use of Lay Advisors in the Discharge of the Traditional Sentencing Function.

The problems presently facing Native persons in the criminal justice system reflect a history and reality of disadvantage and discrimination. Activism in this area of the law can only succeed if much energy is expended in an effort to clarify the reach and ambit of section 15 of the Charter, particularly as that section is understood when amplified by the provisions of section 25 (Aboriginal Rights and Freedoms Not Affected by the Charter) and section 27 (Multicultural Heritage). Equality litigation, to be effective, must engage not only the substance of legislation but also must seek to structure the practical application of existing laws. In this latter regard, questions involving the adequacy of the delivery of police and court services in aboriginal communities in Canada may be brought before the courts in Canada for early consideration. If they are, it is quite possible that these issues will find their way onto the legislative agenda as well.

The problems of the system as it affects Native persons are not restricted to the front end of the system. The law enforcement and judicial aspects of the process are one thing but significant, severe problems are manifest at the back end of the system in the area of corrections.

> "For example, it could be argued that the National Parole Board carrying out its responsibilities 'to grant release and, determine release terms and conditions' under the Parole Act, would be in violation of the Charter if decisions, procedures and conditions of parole could be demonstrated to de facto discriminate against Native inmates. In such a case the inmate would likely have to demonstrate that there is a differential treatment, not justified by valid government objectives (such as the protection of the public) between Native parole applicants and non-Native parole applicants and that the distinction has the effect of denying the 'protection' or 'benefit' afforded to non-Natives or that there is a lack of sameness (equality) between what is afforded Native applicants and non-Native applicants. It would be argued that although the legislation does not single out Natives, the effect of the procedures is discriminatory."[79]

This kind of systemic discrimination and will certainly be productive of litigation. Governments in the 1990's may seek to preclude, or at least minimize litigation alleging this kind of discrimination by instituting affirmative action programs that provide special treatment or consideration for members of disadvantaged groups.[80] Affirmative action programs to ensure better representation for Native people in the staffing of positions within the justice and correctional system is one obvious area that may be targeted for such reform. Such a problem was addressed in sections 18 and 20 of the James Bay Agreement which sought to ensure that Cree and Inuit people would in future be employed in a variety of capacities in connection with the administration of justice in the judicial district of Abitibi.[81]

Mentally Disordered Persons

There has existed for sometime in Canada a recognition that the present Criminal Code provisions with respect to mentally disordered offenders are deficient in terms of according fundamental rights and freedoms to mentally disordered accused persons in a manner that is consistent with the Canadian Charter of Rights and Freedoms. Offset against this is the obvious need to protect the public from dangerous offenders. All of this must now be comprehended in the light of the Charter's s. 15 guarantees to all persons of equal protection and equal benefit of the law without discrimination based on mental disability.

Under our current laws "a mentally disordered person who has come into conflict with the criminal justice system is, in many respects, worse off than the criminal who has been convicted and sentenced."[82]

Mental disorder poses problems for the criminal law at virtually every stage of the trial process. Substantive law issues arise in relation to the insanity defence, automatism and the concept of reduced or diminished responsibility. Evidentiary issues with respect to the compliance, credibility and character of accused persons and witnesses are a commonplace of the trial process. Special procedural provisions have been enacted with respect to dangerous offenders. The procedural law also pervasively regulates the system's response to situations where an individual is found to have been insane at the time that an offence was committed or is found to be unfit to stand trial. At the sentencing stage the judge will often have to consider psychiatric reports that have been prepared to assist in the sentencing of a convicted individual. Issues of psychiatric treatment and release are also matters of concern at this stage of the process as well.

(a) the insanity defence

The insanity defence has long been recognised as an exception to the so-called "presumption of innocence".[83] In more recent years s. 16(4) of the Criminal Code which provides that "everyone shall, until the contrary is proved be presumed to be and to have been sane" has been challenged as infringing section 11(d) of the Charter's guarantee of the presumption of innocence. In one Manitoba decision involving this Code provision the Appeal Court held that placing the burden upon an accused person to prove insanity on a balance of probabilities is not an infringement of the Charter.[84] The insanity defence differs from other common law defences in that the statute expressly casts an onus of establishing the defence upon the accused whereas other defences, such as self-defence or duress, the accused merely needs to raise a reasonable doubt. If at the conclusion of the case such a doubt exists the accused's entitled to the benefit of it. Arguably the presumption in section 16(4) is not consistent with the constitutional requirement that the state prove the guilt of the accused beyond a reasonable doubt.[85] However, in denying leave to appeal in the Godfrey case the Supreme Court of Canada has indicated in a tentative fashion its disinclination to view the matter this way but this does not preclude the issue from coming before the court in some subsequent case for a more definitive ruling.

(b) dangerous offender provisions

The observation has been made that "while it may be true that 'no conclusive correlation has been found between mental disorder and dangerous violent conduct', there is certainly no reason to suppose that disordered offenders are any less dangerous or violent than others who have committed similar offenses. This being the case it seems likely that the mentally ill will continue to contribute their fair share to class of 'dangerous offenders' defined by a recent amendment to the Criminal Code."[86] The Criminal Code's dangerous offender provisions permit the incarceration, on a preventative basis, of individuals convicted of "a serious personal injury offence".[87]

Because of the serious implications of this procedure for the accused person a number of safeguards have been provided, including the personal consent of the Attorney General and a notice provision setting out the basis upon which the application is to be made.[88] In addition, psychiatric evidence is not totally within the control of the court but rather the accused can nominate one of the witnesses.[89] The right to be present at the hearing and to appeal against the determination is also provided for.[90] A particularly important safeguard is provided in section 695.1 which requires for a review of the sentence at the expiration of three years from its imposition and for subsequent reviews to be undertaken every two years thereafter. There have been numerous reported decisions attacking these provisions on the basis that they contravene a variety of *Charter* provisions, in particular section 7, 9, 11(f) and 12.[91] However, it appears likely that the 1990's will witness additional litigation which will seek to establish that the particular treatment accorded to individual detainees contravenes section 12 of the *Charter* which guarantees the right of the individual to be free of cruel an unusual treatment or punishment. Such an approach succeed in the Ontario High Court in the case of *Re: Mitchell and The Queen*[92] a case involving the predecessor "habitual criminal" legislation of the Criminal Code. Such a possibility was clearly envision by the Ontario High Court in the case of *re: Moore and The Queen*.[93]

(c) Lieutenant Governor's Warrants

As the experience with challenges to the dangers of offender legislation indicates litigation is, at best, an uncertain road to effective reform. "While there may be a faint glimmer of hope in the area of dangerous offender legislation there is absolutely nothing to raise even this degree of hope in the court's application of *Charter* to the instrumentality of the Lieutenant Governor's Warrant that is responsible for the indeterminate incarceration of those acquitted by reason of insanity or found unfit to stand trial."[94] That this process of indeterminate detention under these peculiar warrants is seriously flawed has been known for sometime.

In 1976, the Law Reform Commission of Canada, in its Report on *Mental Disorder in the Criminal Process*[95] found that there was much confusion arising from the fact that the Criminal Code did not contain a complete statement of principles or of procedures to be followed. It recommended major amendments to the Criminal Code spelling out the rights of the accused in a fashion that guaranteed procedural fairness and ensured that the criminal law would be used so as to involve the minimum possible interference with the individual liberty that is consistent with the protection of the public. The government in tabling legislation to reform this area of law acknowledged "that the Criminal Code provisions in the area of the mentally disordered offender are fraught with inconsistencies, omissions and often a general lack of clarity. The present law is greatly out-of-date. The language used to describe mental disorder is archaic and, in some cases, the authority it accords to the court and the Lieutenant Governor is unwarranted."[96]

It has not gone unnoticed that there is "a degree of irony manifested in the fact that, while the courts appear to have held consistently that the instrumentality of the LGW does not contravene the requirements of the Charter, the (former) Minister of Justice recently introduced draft legislation to "modernize and clarify Criminal Code provisions with respect to mentally disordered offenders"."[97] Indeed, the Department of Justice information paper indicates "strong reason to believe that the present criminal law provisions in this area are inconsistent with the Canadian Charter of Rights and Freedoms either because they fail to guarantee that review procedures consistent with the principle of fundamental justice or because they fail to guarantee equality of treatment."[98]

The only major improvements generated by the case law in recent years concerning the legal status of those held under Lieutenant Governor's warrants has come in the area of procedural fairness. In this regard the courts have placed Boards of Review under a duty to act fairly.[99]

Because of the rather unequivocal admission of the Government that present statutory provisions do not adequately protect fundamental rights that are guaranteed by the Charter it appears likely that the abortive 1986 legislation will be re-introduced in Parliament during the course of the present mandate of the Government.

If the legislation does gain passage Canadians will witness the abolition of the role of the Lieutenant Governors in the disposition and review process for individuals acquitted by reasons of insanity or found unfit to stand trial. In their stead review boards would be granted full decision making powers in relation to the disposition of such persons. Indeterminate detention would be replaced by statutorily set maxima which would "cap" or place a limit upon the period during which a person may be held in custody. (Thus, for offenses other than murder that endanger public security or are offenses against the person the limit on incarceration would be either 10 years or the maximum possible sentence of prisonment for such an offence, whichever is the lesser. For all other offences, the limit would be 10 years or the maximum sentence, whichever is less.)

If at the expiry of these limitation periods the detained person requires further hospitalization he or she may be civilly committed under the terms of applicable provincial mental health legislation. These provisions apply both to those acquitted by reason of insanity and those found unfit to stand trial.

Conclusion

A fundamental shift in focus is emerging on criminal justice issues affecting individual rights. This shift in focus is expected to frame most of the discussion and controversy that will attend criminal justice developments pertaining to human rights in the 1990's. Not all such developments will be legislative in nature. Some will be byproducts of the litigation process.

To the extent that these changes concern the reform of the Criminal Code and its related statutes the forthcoming conflict will be litigation-based. More specifically, the vehicle for challenging these new human rights developments will be, perhaps ironically, the Canadian Charter of Rights and Freedoms. Thus, rules which are designed to offer a greater measure of protection to, for example, women and children will be subjected to constitutional challenge on the basis that they unduly infringe the constitutional rights of accused persons.

The twin challenges for the 1990's will be firstly, the creation of the necessary legislative will to see significant reforms introduced into our statutory law, and secondly, the demonstration of the necessary willingness on the part of our courts to find creative ways to uphold positive human rights developments while at the same time preserving the basic rights of persons accused of crime.

REFERENCES

1. Canada, **Federal-Provincial Task Force Report: Justice for Victims of Crime** (1983).

2. Solicitor General of Canada, **Victims and Corrections** (Working Paper No. 4, 1987).

3. Canadian Sentencing Commission, **The Role of the Victim in Sentencing and Related Processes** (1988).

4. Supra n. 2 at p. 4.

5. An Act to Amend the Criminal Code (Victims of Crime), 1988, c. 30, ss. 1, 2, 3 and 7 proclaimed in force October 1, 1988, remainder to come in force on proclamation. The section numbers cited in footnotes 6-8, 10-16 are the editor's projections contained in the Concordance Table to the Second (Cumulative) Supplement of **Martin's Annual Criminal Code** (1989) - Incorporating R.S.C. 1985.

6. S. 727.9.

7. S. 727.9(1)(a).

8. S. 735(1.1).

9. [1982] 2 S.C.R. 368.

10. See, s. 727.2 - 727.6.

11. S. 727.3.

12. S. 727.6(9).

13. S. 727.6.

14. S. 727.3.

15. S. 725(b).

16. S. 673 and 725.

17. M^{ac}Kay, "Plea Bargaining and the New 'Victim's Legislation' in Canada" unpublished paper presented at a Conference on the Reform of Sentencing Parole and Early Release, Ottawa, Ontario, August 1-4, 1988, at p. 9-10.

18. S. 486(3).

19. S. 491(2).

20. S. 274.

21. Doherty, in "'Sparing' the Complainant 'Spoils' the Trial" (1984) 40 C.R. (3d) 55 at 57 theorizes that evidence that a complainant had in the past engaged in consensual sexual intercourse with others and

then alleged rape when she did not receive a promised payment would be inadmissible under the new rules even if the defence was that the same thing had occurred between the complainant and the accused in the case at bar.

22. **(1980), 15 C.R. (3d) 280 (S.C.C.).**

23. Those cases holding the provisions invalid or inoperative are as follows: *R. v. Oquataq* (1985) 18 C.C.C. (3d) 440 (N.W.T. S.C.): *R. v. Coombs* (1985) 23 C.C.C. (3d) 356 (Nfld. S.C. T.D.); *R. v. Brun* (1986) 28 C.C.C. (3d) 396 (N.B. Q.B.) those cases coming to the opposite conclusion are as follows: *R. v. Bird and Peebles* (1984) 40 C.R. (3d) 41 (Man. Q.B.) appeal quashed 12 C.C.C. (3d) 523 (Man. C.A.); *R. v. Wiseman et al.* (1985) 22 C.C.C. (3d) 12 (Ont. Dist.Ct.); *R. v. Le Gallant* (1986) 29 C.C.C. (3d) 291 (B.C. C.A.). See also *R. v. Seaboyer* (1987) 58 C.R. (3d) 289 (Ont. C.A.), leave to appeal to S.C.C. granted May 16, 1987; and *R. v. Wald, Hockett and Gerk* (1989) 68 C.R. (3d) 289 (Alta. C.A.).

24. Doherty, at 66.

25. Doherty, ibid.

26. **Report on Pornography**, 123 H.C. Jo., No. 86 at 533 (1978).

27. *Ibid*.

28. See the Law Reform Commission of Canada, Working Paper 10, **The Limits of the Criminal Law of - Obscenity: A Test Case**, (1975) at 39-40.

29. *Criminal Law Reform Act, 1984*, clause 36, Bill C-19, 32nd Parl., 2d sess., (1983-84) first reading 7 Feb. 1984.

30. See Sklar, "Pornography" (1984) 16 Ottawa Law Review 387 at 390.

31. See, for example, *Re: Ontario Film and Video Appreciation Society and the Ontario Board of Censors* (1983) 41 O.R. (2d) 583, aff'd (1984) 45 O.R. (2d) 80 (Ont. C.A.) involving the validity of the censorship provisions of the *Theatres Act*, R.S.O. 1980, c. 498, paras. 3(2) (a), (b), ss. 35, and 38; and *Luscher v. The Deputy Minister, Revenue Canada* (1985) 17 D.L.R. (4th) 503 (F.C.A.) involving

the validity of section 14 of the Customs Tariff which empowers the Deputy Minister of Revenue Canada, Customs and Excise to prohibit the importation to Canada of material that is immoral or indecent.

32. See, Red Hot Video Limited v. R. (1985) 18 C.C.C. (3d) 1 (B.C.A.); leave to appeal to S.C.C. refused July 31, 1985. See also R. v. Ramsingh et al. (1984) 14 C.C.C. (3d) 230 (Man. Q.B.); R. v. St. John News Co. Ltd. (1984) 17 C.C.C. (3d) 234 (N.B. Q.B.); and R. v. Mood Video Ltd. (1987) 33 C.C.C. (3d) 221 (Nfld. S.C.T.D.) holding that the section is not unconstitutional and does not infringe freedom of expression as guaranteed by section 2(b) of the Charter of Rights and Freedoms.

33. For critical commentary on this legislation see Mahoney, "Defining Pornography: An Analysis of Bill C-54", (1988) 33 M^{c}Gill L.J. 575.

34. Sklar, supra at p. 394.

35. **Canada, Equality For All, Report of the Parliamentary Committee on Equality Rights**, (October 1985) 125.

36. **Canada, The Report of the Special Committee on Pornography and Prostitution**, two volumes, 1985; also referred to as the Fraser Committee Report.

37. Recommendation 35, of volume two at 679.

38. See Recommendations 38 - 41, volume two at 679-680.

39. S. 212.

40. S. 212(1)(j).

41. S. 210.

42. S. 213.

43. See e.g., s. 212(2) and (4).

44. **Canada, Report of the Special Committee on Pornography and Prostitution**, supra n. 36 volume two at p. 348.

45. Recommendation 55, Volume II at 683.

46. Recommendation 57, Volume II at 684.

47. See *R. v. McLean; R. v. Tremayne* (1986) 28 C.C.C. (3d) 176 (B.C. S.C.); *Reference Re: Sections 193 and 195.1(1)) (c) of the Criminal Code* (1987) 60 C.R. (3d) 216 (Man. C.A.); *R. v. Jahelka; R. v. Stagnitta* (1987) 36 C.C.C. (3d) 105 (Alta. C.A.) upholding the constitutionality of the provision; and *R. v. Skinner* (1987) 35 C.C.C. (3d) 203 (N.S.S.C. App. Div.), leave to appeal to S.C.C. granted.

48. [1978] 2 S.C.R. 476.

49. See *R. v. Dudak* (1977) 41 C.C.C. (2d) 31 (B.C.C.A.) holding a customer could not be found guilty under the provision; and *R. v. DiPaola* (1978) 4 C.R. (3d) 121 (Ont. C.A.) to the opposite effect.

50. Martin, "Prostitution" (1984) Ottawa Law Review 400. Martin offers these criticisms in relation to similar customer-oriented reform proposals contained in the abortive *Criminal Law Reform Act, 1984*, Bill C-19.

51. [1988] 1 S.C.R. 30.

52. See *B.C. Civil Liberties Association v. A.-G. for British Columbia* (1988) 24 B.C.L.R. 189 (B.C.S.C.). Note however, that this case on the basis of administrative law principles rather than on *Charter* grounds.

53. Ryan, "Reflections on Morgentaler" (1988) 62 C.R. (3d) at 118-119. See also *Borowski v. Can. (A.G.)* (1987) 33 C.C.C. 402 (Sask. C.A.) *Borowski* was subsequently dismised on grounds of mootness [1989] 3 W.W.R. 97 (S.C.C.).

54. See **Canada, Equality For All, Report of the Parliamentary Committee on Equality Rights,** 1985 at 125. These issues surfaced recently in the Ontario and Quebec abortion injunction cases of Dodd and Daigle (both unreported).

55. JDA section 3(2).

56. YOA section 3(1)(a).

57. See especially section 11 and section 56 of the Act.

58. See for example, *R. v. C.J.M.* (1986) 26 C.C.C. (3d) 569 (Man. Q.B.).

59. Bird, Conlin, and Frank, "Children In Trouble: The Juvenile Justice System", in **Legal Rights of Children** (1984) 461 at 479.

60. Section 4(1)(a).

61. See Law Reform Commission of Canada Working Paper #7 **Diversion** (1975).

62. See, R. v. Hamilton; R. v. Asselin; R. v. M^c^Cullagh (1987) 54 C.R. (3d) 193 (Ont. C.A.). But note also, the observations as to the deficiencies of the "similarly situated" test made by M^c^Intyre J. in the Supreme Court of Canada decision Law Society of B.C. v. Andrews February 2, 1989 unreported (S.C.C.). See also, R. v. Turpin, May 4, 1989, unreported (S.C.C.).

63. R. v. S.S. (1988) 63 C.R. (3d) 64 (Ont. C.A.), leave to appeal to the S.C.C. granted May 22, 1986.

64. **Canada, Sexual Offences Against Children in Canada, a Report of the Committee on Sexual Offenses Against Youths,** (1984) (also known as the Badgley Committee Report).

65. Ibid.

66. S. 212(3).

67. R. v. Renner (1986) 29 C.C.C. (3d) 138 (N.S.S.C.)).

68. See for example R. v. Holmes (1988) 64 C.R. (3d) 97 (S.C.C.) and R. v. Whyte (1988) 64 C.R. (3d) 123 (S.C.C.); and see the annotation by Stuart in the same volume wherein the author indicates (at p. 149) that while the Supreme Court should hold that mandatory evidentiary burdens are prima facie offensive to the presumption of innocence such infringements should prove easy to justify under section 1 of the Charter, especially "if it is made crystal clear that the burden is one of only adducing evidence rather than proving anything." (See also Schwartz v. R., unreported December 8, 1988 (S.C.C.)).

69. S. 212(4).

70. See the Criminal Code section 274 concerning corroboration, and 275 with respect to the abrogation of the doctrine of recent complaint.

71. See section 486(3) and 486(4).

72. See Coy v. Iowa (1988) 108 S.Ct. 2798.

73. Section 715.1.

74. See R. v. Thompson (1989) 68 C.R. (3d) 328 (Alta. Q.B.). See also, Naeem and Bala, "Thompson: Charter Challenge to Videotaped Statements of Children - Two Views" (1989) C.R. (3d) 331.

75. Canadian Bar Association, **Locking Up Natives in Canada - A Report of the Committee of the Canadian Bar Association on Imprisonment and Release** (1988) at 2.

76. Ibid. p. 1.

77. Canadian Bar Association, Aboriginal Rights in Canada: An Agenda For Action (1988) at 11.

78. Ibid.

79. Solicitor General of Canada, Correctional Law Review Working paper No. 7: **Correctional Issues Affecting Native Peoples** (Feb. 1988) at 17-18.

80. See Working Paper No. 7, ibid. at 19.

81. Working Paper No. 7 ibid. at 20.

82. Remarks of the Minister of Justice, The Honourable John C. Crosbie made on the occasion of the tabling of draft Criminal Code legislation on June 25th, 1986.

83. See Woolmington v. The DPP [1935] A.C. 462 (H.L.).

84. R. v. Godfrey (1984) 39 C.R. (3d) 97 (Man. C.A.), leave to appeal to S.C.C. refused 11 C.C.C. (3d) 233 n.

85. See Stuart, "Annotation to R. v. Godfrey" (1984) 39 C.R. (3d) 97 at 99.

86. Schiffer, **Mental Disorder and The Criminal Trial Process** (1978) at 263.

87. Section 688 provides that the court may, upon application find the offender to be a dangerous offender and may there upon impose a sentence of indeterminate detention in lieu of any other

sentence that the offender might have received for the offence.: "serious personal injury offence" is defined in section 687 as follows:

(a) an indictable offence (other than high treason, treason first degree murder or second degree murder) involving

(i) the use or attempted use of violence against another person; or

(ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage upon another person;

and for which the offender may be sentenced to imprisonment for 10 years or more, or

(b) an offence or attempt to commit an offence mentioned in section 246.1 (Sexual Assault), 246.2 (Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm) or 246.3 (Aggravated Sexual Assault).

In addition to having been convicted of a serious personal injury offence, section 688(a) and (b) provides that in order for the offender to qualify as a dangerous offender it must also be established that he constitutes a threat to the life, safety or well being of others on the basis of evidence of the dangerous and intractably persistent or brutal behaviour, or that the offender has shown an inability to control his sexual impulses and a likelihood that he will thereby cause injury, pain or other evil to other persons.

88. S. 754.

89. S. 735(2).

90. S. 758 and 759(1) respectively.

91. See e.g., R. v. Gustavson (1982) 1 C.C.C. (3d) 470 (B.C.S.C.); R. v. Langevin (1984) 11 C.C.C. (3d) 336 (Ont. C.A.); R. v. Lewis (1984) 12 C.C.C. (3d) 353 (Ont. C.A.); Re: Moore and The Queen (1984) 10 C.C.C. 3d 306 (Ont. H.C.J.); R. v. Vandale (1984) 13 W.C.B. 1 through 73 (B.C.C.A.); R. v. Lyons (1984) 15 C.C.C. (3d) 129 (N.S.C.A.), aff'd by S.C.C. (1988) 61 C.R. (3d) 1.

92. (1983) 6 C.C.C. 3d 193 (Ont. H.C.J).

93. Supra n. 97 these cases are discussed by Gordon and Verdun-Jones, in "The Trials of Mental Health Law: Recent Trends and Developments in Canadian Mental Health Jurisprudence" (1988) 11 Dal. L.J. 833 at 853-855.

94. Gordon and Verdun-Jones ibid. at 855-856.

95. Law Reform Commission of Canada, Report 5, **Mental Disorder in the Criminal Process** (1976).

96. Department of Justice press release, Ottawa, June 25, 1986, from page 1 of the Information Paper.

97. Gordon and Verdun-Jones supra at 857-858.

98. Department of Justice Information paper, supra n. 96.

99. See the discussion of this phenomenon and the cases in relation there to discussed in Gordon and Verdun-Jones supra at 844-845.

HUMAN RIGHTS AND THE CRIMINAL JUSTICE SYSTEM

REPORT OF THE WORKING GROUP

Information and Trends

In the United States, individual rights seem to have reached a crescendo. Recent decisions of the United States Supreme Court tend to favour collective rights as opposed to individual rights. The Bench is a more conservative one, following nominations by President Reagan.

In Europe, more and more consider the issue of human rights as a nuisance. The Bill of Rights approved by the Council of Europe, has a notwithstanding clause, except for matters of life and discrimination.

In Canada, many cases are still before the Courts. The Bill of Rights having been recently introduced in the Constitution, many of its facets are still to be interpreted by the Court. However, recent decisions of the Supreme Court seem to favour individual rights over collective ones.

Balancing individual rights and collective rights, in a manner that is satisfactory to most, is a crucial problem. Opinions are divided whether collective rights or individual rights should prevail in the balance.

Although all Canadians have benefitted from the Bill of Rights, criminals do take advantage of it, making police work more difficult. Meanwhile, corporate police hold enormous powers of search and questioning over employees of their corporations who fear for their job if they report abuses. These corporate police operate without borders and are rarely made accountable on matters of human rights, which constitutes a serious problem.

Policies

Police departments have an obligation to explain the Bill of Rights to their police officers. They must be reminded that part of their role is to protect individual rights and defend collective rights. They should know how not to abuse individual rights, in perspective with recent Court decisions on this matter.

Police should explain to school children, groups and community organizations, their role in regards to the protection of individual and collective rights. Thus, their actions would be better understood.

Police should not lobby against laws that liberalize human rights but it is their duty to inform the legislators of the consequences of such laws on police effectiveness and crime in general.

Failure (of police departments) to develop policies means that police officers could more likely abuse individual rights because of their ignorance of the law or lack of understanding of its interpretations. It could also mean that communities would perceive the police as being opposed to human rights in general. Finally, the police would be absent from the legislative process.

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TERRORISM AND POLITICAL CRIME:
THE CHALLENGE OF POLICING IN THE GLOBAL VILLAGE

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Introduction

If the problem of terrorism could be solved merely by burying it in speeches and ink, it would have ceased to be a matter of concern some time ago. Over the last twenty years, it has been the subject of more than 5,000 books and articles.[1] This outpouring of research and opinion stands in stark contrast to the apparent scale of the problem. To put this contrast in some kind of perspective, the total number of casualties from international terrorism over 20 years (1968-87), some 24,000,[2] is little more than the number of British soldiers killed in action on the first day of the Somme Battle in World War I. It would be hardly surprising, then, as leading terrorism scholar Walter Laqueur suggests, if historians in the future concluded that the problem of terrorism was - at the very least - overstated, perhaps deliberately. But, as Laqueur hastens to add, this would be the wrong conclusion, because the impact and significance of terrorism cannot be measured by casualty statistics alone.[3] Terrorism can, and has toppled leaders and regimes with tragic consequences for the societies concerned, the Tupamaro campaign in Uruguay and the assassination of Indira Gandhi being cases in point. The gravest danger, Laqueur argues, is that terrorist provocation may lead to something far worse than mere terrorism and counter-terrorism;[4] perhaps he had in mind the assassination of Archduke Ferdinand, which provided the Austro-Hungarian Empire with a pretext for war in 1914.[5] So, terrorism, even if it is over-emphasized, is a real problem, with potentially or actually serious consequences. Regrettably, in spite of (or perhaps in some cases, because of) the efforts of government efforts to eradicate it, terrorism persists, and appears likely to do so for the foreseeable future.

The purpose of this paper is two-fold. First, it will attempt to provide a forecast of political terrorism toward the year 2000. Second, it will attempt to identify the challenges that future terrorism might pose for police forces at that time. While the focus of such a paper must necessarily be global, it should be possible to draw some inferences which will bear more specifically on Canadian concerns which, undoubtedly, will be of greatest interest to this audience.

PART 1: TERRORISM; A FORECAST TOWARD THE YEAR 2000

It must be said at the outset that historians, of whom the author is one, are acutely uncomfortable with the task of "future-gazing". There is a kind of professional rule of thumb that, 'You should never make predictions, especially about the future!'. Perhaps it is because the study of history has shown them, time and again, that the past is not a reliable guide to the future. But the problem is even more fundamental; it concerns what might be described as the "sociology of knowledge". Historians prefer to work with an abundance of evidence, or at least as much as is possible; they are uneasy when they are forced to make deductions and inferences on the basis of scant data of uncertain provenance and reliability. Yet, in the study of terrorism, that is exactly what the scholar or analyst must do. In spite of all the writing mentioned earlier, trying to fathom future trends of terrorism still involves research into what is described in intelligence parlance as a "denied area". Terrorism's effect depends greatly upon surprise. For this reason, as well as those related to group security and survival, terrorists plan in secrecy and do not usually broadcast their intentions in specific detail in advance of action. In some cases, the groups or individuals concerned may not have a clear idea of their long-term intentions and how these might be achieved through the use of violence. Moreover, the truism of war that 'The plan of battle rarely survives the first clash of arms', undoubtedly has some relevance to terrorism. Circumstances change; terrorists are sometimes forced to adjust their plans, to improvise, to launch campaigns or operations before all the "objective conditions" are met. Nor, being fallible human beings, are they immune from mistakes and "Murphy's Law". This goes some way to explain terrorist failures and disasters, and operations which appear to lack coherent objectives or even plain common sense. But it also confounds attempts to make sense of them, to extract accurate, useful, reliable data and inferences from them. So, patterns and trends are usually much more easily discernable in retrospect than in advance; and even then, they can still be just plain wrong. As Laqueur points out, 'there have always been far more mistaken predictions than correct ones with regard to terrorism'.[6] It goes without saying that Laqueur is a historian. But even those in disciplines more oriented to predictive analysis - the social sciences - caution against assumptions that things will certainly get better or worse in the future of terrorism. "I wish we could see it as clearly as that" says Paul Wilkinson, another leading authority on the subject, 'But I don't think there is any simple evolutionary path.'[7]

With all of these limitations in mind, how then can one fashion a realistic "guesstimate" of terrorism's future? This paper will tackle the problem in the following manner. First, it will try to set workable terms of reference by defining the problem. Second, it will examine the circumstances in which terrorism has flourished in the past, and will attempt to assess whether these conditions are persisting, receding, or evolving in a manner that will influence the future direction of terrorism. Third, it will draw upon that assessment and other information to suggest who may be likely to use terrorism and why. Fourth, it will look at trends and opportunities in tactics, technology, and targets, and the potential consequences that flow therefrom. Finally, it will draw some tentative conclusions by way of a forecast, and will suggest some possible implications for Canada. The "Challenges for Policing" that emerge from this forecast will be discussed in Part 2 of the paper.

Defining the Problem

This paper will not be burdened by a long academic discourse on the problem of "defining terrorism". There are many variants of terrorism, and efforts to develop a single all-encompassing definition,[8] however intellectually satisfying, are likely to fall short of their goal. But the effort has not been entirely in vain, for it has identified many areas of agreement with respect to those features which are common to all variants of terrorism. These include the following:[9]

1. It is a form of warfare, but one which employs many techniques normally associated with non-political organized crime (eg., murder, arson, extortion, etc.).

2. It involves the threat and/or use of violence to create a climate of fear among individuals and groups, the purpose of which is to induce compliance with the objectives of the perpetrators.

3. While it is often selective in intent and targeting, it tends to be indiscriminate in appearance and effect; this, and the surprise/shock factors, enhance the generation of fear, anxiety, and terror.

4. The objectives are political; the impact is social. (It often amounts to war within or against the social structure, in which all components and members of a society are on the battlefield, whether they realise it or not). The front is, potentially, everywhere.

5. The publicity/propaganda element of terrorism is very important, for several reasons: first, since most terrorist groups are relatively small and weak, they must create the appearance of power and omnipotence where the substance is lacking; second, the threat of terror, if it is to be effective, must be communicated to the appropriate targets; and finally, since the objectives are political, the political message must be put across to win converts, reassure the committed, and isolate the opposition.

6. Terrorist groups, whether they are independent or agents of the state, operate clandestinely, both for their own protection, and to increase the effect of terror; not knowing who is doing the killing or where they will strike next generates the fear and anxiety which lies at the heart of terrorism.

There are essentially five basic types of political terrorism, each with different objectives:[10]

1. Anarchist: destruction of authority, extreme assertion of individual worth over that of the state. Examples: Action Directe (France); Red Army Faction (West Germany).

2. Ideological: overthrow of existing social order and beliefs, creating a new social order and converting (or eliminating) non-believers. This category includes revolutionary and religious terrorists. Examples: Hizb'Allah (Lebanon); Sendero Luminoso (Peru); The Order (USA).

3. Insurgent: overthrow of existing regime, replacement by new regime formed by the insurgents. Sometimes, but not always, incorporates Ideological objectives. Examples: Provisional IRA Northern Ireland); New Peoples Army (Philippines).

4. Nationalist/Separatist: national independence and/or reclaiming of (real or imagined) lost territory; end of discrimination or persecution. Often incorporates Insurgent and Ideological objectives. Examples: PIRA; Palestinian groups;

Armenian groups; Sikhs; Tamil Tigers (Sri Lanka); FLQ.

5. State: security of the regime from domestic and foreign threats; promotion of specific foreign policy aims. May be direct (involving the use of the state's own secret services), or indirect (involving either the provision of assistance to non-state groups, or hiring or manipulating them to act on the regime's behalf). Examples: (Direct): Bulgaria (Markov assassination), Libya (assassination of dissidents abroad), France (Rainbow Warrior bombing); (Indirect): USSR (training of Palestinians), Arab states (funding Palestinians), Iran (support for Shia groups in Lebanon), Abu Nidal (hired gun for Syria, Iraq, Libya).

Violent crime is normally excluded from the study of political terrorism, since the objectives of crime are usually seen as purely material, and not political. However, where narcotics are involved, the distinctions are not so clear today as they may have been before. In Colombia, South America, the "Narcotrafficantes" have used violence against the government (its leaders, officials, and institutions), not just to protect their operations and profits, but also to disrupt the criminal justice system and to prevent the government from implementing policies detrimental to the narcotics traffic (such as extradition agreements with foreign countries). In Colombia and elsewhere, the narcotics criminals and local insurgent/terrorist groups have entered into (usually temporary) alliances of convenience involving the exchange of money, weapons, and protection.[11] These actions, often grouped together under the catch-all buzzword "Narcoterrorism", bring organized crime into the realm of political terrorism, albeit in a "grey area". This point will be discussed further below.

Finally, some distinctions should be drawn between "domestic" and "international" (or "transnational") terrorism. Domestic terrorism is that which is confined within the recognized territorial boundaries of one state, and is conducted solely in relation to issues affecting that state alone. Foreigners or foreign installations are not targeted, except inadvertently. Political terrorism becomes international when any of the following conditions prevail: attacks are directed deliberately at foreigners or foreign installations (eg., diplomats, embassies); the perpetrators are foreigners, or are acting on behalf of a foreign regime or faction;

the action is aimed at influencing the policies or actions of a foreign government (eg. hijacking a US airliner in the Middle East); or, an international frontier is crossed during the planning, preparation, or execution of the operation.[12]

Those distinctions notwithstanding, it is difficult to identify an example of purely domestic terrorism. The world is so inter-linked and interdependent, it is hard to conceive of any group operating in such a degree of isolation that its motives, methods, and actions were neither subject to nor able to influence foreign issues, policies, action, individuals, or institutions. Virtually all political terrorism seems to have some international dimension.

The fundamental point to take away from a discussion on the definition of terrorism is that it comprises a body of methods and techniques for waging political warfare, in the same manner that combined arms doctrine prescribes methods for conducting land and tactical air combat. To quote Laqueur yet again: 'Terrorism is not an ideology but a strategy that can be used by people of different political convictions'.[13] The distinction is important because it is easy to confuse the choice of tactics with the reasons for going to war in the first place. In this sense the search for "causes" of terrorism may be misdirected; the more important question is: why does violent political conflict arise? The attempt to answer that question has considerable bearing on the next issue to be addressed in this paper.

Preconditions for Future Terrorism

There are few societies, if any, which have not experienced some form of political terrorism in the period since 1945. This fact alone confounds social scientific attempts to explain the manifestations of terrorism in vastly different societies with any precision. There is no shortage of elaborate theories concerning grievances, oppressions, deprivation or class conflict as sources of internal wars.[14] But, they do not advance our knowledge of the "why" of terrorism very much. They do not, for example, explain why some individuals and groups resort to terrorism in situations where grievances or oppression are negligible or are easily remedied by legal, non-violent political processes, or why terrorism is chosen as the preferred method of conflict, when other violent methods are available.[15] Perhaps it is sufficient merely to point out, as some analysts do, that at least some of the time terrorism achieves its objectives.[16]

The approach this paper will take is to survey the emerging global strategic environment in order to identify those circumstances in which terrorism appears to flourish at present, and then to extrapolate forward to determine whether those conditions are likely to prevail a decade from now. There will also be an attempt to surmise currently unanticipated (or low likelihood) conditions in which terrorism might arise.

At a cursory glance, the strategic environment which seems to be emerging on the threshold of the 1990s offers considerable promise: the two superpowers are developing a cooperative relationship; there has been, and is likely to be further, progress on arms control; several major conflicts have been de-escalated or stopped (Afghanistan, Namibia, Angola, Nicaragua, Cambodia, and the Gulf War); and the United Nations has re-emerged as an effective forum for dispute resolution.[17] All of this bodes well for the future. But, there are at least two reasons why these trends might not lead to a reduction in political terrorism. First, the trends are not irreversible: domestic or foreign crises could cause the Soviet-American relationship to deteriorate; several of the wars mentioned above have not actually ended - some are continuing at a lower level of fighting which could re-escalate, while others, such as the Gulf War, are merely on hold while a settlement is sought (the underlying causes of the war have yet to be resolved). Second, even if East-West relations continue to develop in an harmonious manner, many of the world's conflicts are impervious to superpower influence. In short, East-West harmony will not, by itself, bring peace in the rest of the world.

Most of the world's current wars, and its political terrorism, occur in the Third World, not surprisingly in or between many of the same countries.[18] Why is this the case? First, these countries, most of whom are poor, are undergoing "very profound social and economic transformation that, though a necessary condition for development, is itself a source of instability."[19] This alone is probably not sufficient cause for war, but these states are additionally burdened by border disputes, tensions between ethnic majorities and minorities, conflicts over distribution of resources and power, and clashes of an ideological nature.[20] It would be wishful thinking at its worst to assume that these conditions are going to be ameliorated significantly in the next ten years.

But, it should not be forgotten that some of these conditions prevail in parts of the "First World" as well;

Northern Ireland, and the Basque region of Spain are cases in point. There, as in some Third World countries, there are unassimilated minorities who believe they have suffered discrimination and persecution, who claim to see independence or an altered national governing status as the solution to their problem, and some of whom believe that the situation can be remedied by the use of force. The problem of finding solutions to these problems, and the similar ones in parts of the Third World - such as, for example, the Israeli-Palestinian dispute - is that, "even if the demand of militant groups may be justified wholly or in part, it may be politically impossible to remedy them without causing injustice to other groups thus perpetuating national strife and terrorism."[21]

In addition, there are other issues around which political agitation in the West can spill over into the kind of extremism which provides fertile ground for terrorism: environmental concerns, anti-nuclear, animal rights, abortion, and racism. The associated violence is often referred to as "issue oriented" or "single issue" terrorism.[22] While it is usually the province of very small groups, often isolated from the mainstream of democratic politics, and their acts of terrorism so intermittent to appear as little more than nuisance value, it would be a mistake to underestimate its potential for inflicting human and material costs, and for damage to the social fabric. Democratic states depend for their survival on consensus, cooperation, and tolerance. Terrorism, in all its forms, polarizes politics, and is corrosive of those fundamental values of democracy.

Brian Jenkins, the Rand Corporation's authority on terrorism, believes that current patterns will persist into the foreseeable future, for several reasons:[23]

1. There will be no lack of causes, old and new. he singles out racism and religious fanaticism in particular as sources of terrorism, but also draws attention to the "issues" noted above (nuclear, abortion, environmental, etc.).

2. Terrorism has become "routinized"; it is expected and, up to a point tolerated.

3. There has emerged a semi-permanent infrastructure of support, not unlike that of organized crime, which can service the practitioners, regardless of political beliefs. These networks include some governments who view terrorism as a useful weapon

for their own ends, and are prepared to exploit it. In short, terrorism has become "institutionalized".

4. He perceives a sense of insecurity based on a perception that the state cannot protect its citizens.

Paul Wilkinson concurs: "All the conditions that spawn terrorist violence are very active ... the strategic climate still favours low cost, unconventional, relatively low yield, low [exp]ected risk methods of violence as opposed to the very expensive and risky methods of conventional war.."[24]

If the foregoing analysis is correct, then the most obvious forecast is simply: more of the same. But what new factors might emerge in the next decade? Several come to mind. First, concern has been raised that terrorists might acquire increased freedom of movement within Europe as a consequence of the reduction in border controls anticipated in the consummation of the Single European Act in 1992. Efforts to coordinate European responses to terrorism have encountered legal, political, and functional difficulties, and while considerable progress has been made, a uniform counter-terrorism policy has yet to emerge.[25]

Second, the process of political and economic reform in the Soviet Union has already been marked by widespread violence, some of which could be genuinely classed as terrorism, between ethnic minorities and majorities (Armenians and Azeris; Uzbeks and Meskhetian Turks). The Soviet Deputy Interior Minister recently suggested that pan-Islamic Fundamentalism was fuelling some of the unrest.[26] If the unrest continues, or if it is vigorously suppressed, it raises the prospect of anti-Soviet terrorism conducted outside the USSR by the sympathisers of Russia's rebellious minorities. For example, it does not seem unreasonable to ask whether Soviet diplomats abroad might provide a new focus for Armenian terrorists, who have been relatively inactive in recent years.

Nor is the rest of Eastern Europe immune. Here there are two possible sources of conflict that could manifest itself in terrorism. One is the traditional ethnic/boundary disputes in the Balkans, already manifest in Yugoslavia's Kosovo province, as well as in Bulgaria and Romania. The other strand is the potential clash between desires for political and economic reform of systems that have failed to fulfill basic human needs, with Perestroika, for all its flaws, standing as the desired model, and regime resistance to reform, which is particularly marked in Czechoslovakia and Romania.[27] Again, if violent resistance erupts in these countries, past experience elsewhere suggests that such violence might spill over into the international arena. Moreover, it is in the nature of at least some of these regimes that counter-terrorist actions conducted internationally could also involve violence.

Similar concerns may now be raised with regard to China. Will the recent crackdown and executions lead would-be reformers to conclude that the situation can be rectified only through the use of violence?

In the final analysis, the future of terrorism comes down to the simple matter of efficacy; those engaged in conflict for whatever reason, and against whatever target, will choose to use it if it appears to be an effective means of achieving political objectives. In this regard, much depends on the reaction of the target; it is how the target responds that determines the success or failure of terrorism.[28] And while those potential targets identified above offer considerable disincentives to the practice of terrorism at home, their reactions to attacks on themselves in the international arena remain something of an unknown quantity. It would not be surprising, therefore, if at least a few of the regimes' opponents decide to test those uncharted waters in the years to come.

Who and Why

To assess who might engage in future terrorism, given the foregoing anticipated pre-conditions, it may be useful to return to the five main categories identified earlier (pp. 4-5). These at least provide a framework for classifying the prospective threats and their motivations:

1. Anarchist: Trying to predict the future of anarchism is, at the very least, a contradiction in terms, and may be an exercise in futility, akin to wrestling with Jello. The evidence is certainly inconclusive. On the one hand, the most prominent European anarchist groups - the Red Army Faction, the Red Brigades, and Action Directe - have been effectively neutralised, their members dead, in jail, forced into hiding, or out of the business altogether.[29] On the other hand, the Japanese Red Army, a group with long-established track record for extreme violence, resurfaced in the mid-1980s after a long hiatus, and went on the offensive, even

attempting to extend its operations to the continental United States.[30] What can be said about such groups with some certainty is that they have demonstrated a capacity for re-generation, at times when radical agitation becomes popular. They also tend to coalesce around "radical populist" issues, such as the anti-nuclear movement.[31] The analysis offered earlier suggested that such issues are likely to persist into the future. Given the growing concern over global warming, destruction of the ozone layer, and pollution of the seas, it may be fair to suggest that such environmental issues - which are apocalyptic in proportion, complex and difficult to resolve - might provide a focus for future anarchist terrorism.

2. Ideological: With the winds of change blowing through the Soviet Bloc, and the moral bankruptcy of the remnants of Maoism now so evident in China, it is hard to believe that there will be any Marxist-Leninist "true believers" left by the end of the century. Yet, some variants persist in ideologically-driven insurgent groups, such as Sendero Luminoso, the New People's Army, and the Cambodian Khmer Rouge.[32] The relative isolation of these rural-based movements from the shifting currents of mainstream international politics may go some way to explain their dogged adherence to what now appear as thoroughly discredited political theories. The endemic socio-economic and political crises facing the countries in which these three groups operate undoubtedly means that their use of terrorism will continue indefinitely. Moreover, given the fanatical nature of the movements themselves, it would not necessarily cease if they came to power.

   Although the future of Iran under Khomeni's successors is as yet undetermined, Islamic fundamentalism is here to stay. It is likely to remain a significant factor in the civil war/regional power struggle in Lebanon; and it has also taken root in the Palestinian Intifada.[33] Both of these conflicts generate terrorism; both are the kind of intractable conflict discussed earlier (pp. 7-8), in which one injustice perpetuates another. And a complicating factor in the Intifada is the manifestation of Jewish fundamentalist terrorism, which has demonstrated increasing militancy and extremism in recent years.[34] Thus far, Islamic terrorism has been a regional phenomenon; it is too soon to say whether the "global" threat to Salman

Rushdie represents an isolated event or the beginning of a new trend. If it is the latter, then it would be worrying indeed for those countries with large Muslim populations, the Soviet Union being a case in point. Ferment there, if repressed forcefully by a regime which, for its own survival, requires internal stability as much as reform, might strike a responsive chord among Muslim fanatics outside the Soviet Union.

Finally, there is the problem of neo-fascist/racist terrorism, a concern both in Western Europe and in North America. While most analysis agree that effective police work dealt severe blows to these groups in the mid-1980s, they also tend to agree that there remains a substantial social base to regenerate and sustain such violent groups for the foreseeable future. The social forces that feed them, and the issues that animate them, are deep rooted and are not easily or quickly ameliorated.[35]

3. Insurgent: Although progress has been made toward bringing some insurgent conflicts to a peaceful end (Namibia, Western Sahara, Angola), many more seem likely to continue toward as yet undetermined resolution: Sri lanka, Philippines, Cambodia, Peru, South Africa, Afghanistan, just to name a few. To the extent that terrorism plays a role in these insurgencies, it is usually confined within national territorial borders with only intermittent "spillover" into neighbouring states. The South African conflict is one which has the potential for international terrorism both inside and outside the country, since South Africa is regarded as a "Pariah State", and anti-Apartheid violence has a global constituency and a moral imperative that other insurgencies lack.[36]

4. Nationalist/Separatist: If Northern Ireland and the Middle East are any guide, these conflicts are the most intractable and the least amenable to equitable solutions. This suggests that, barring unexpected breakthroughs in political attitudes and processes, the existing conflicts will continue indefinitely. The Irish and Middle Eastern struggles will also continue to display episodes of international terrorism; indeed, even the creation of a Palestinian state in the Occupied Territories might not bring an end to all Palestinian terrorism, as some factions under the PLO umbrella do not seem inclined to accept any solution short of the total liberation of all Palestine.[37] In other parts of

the world there are many unresolved nationalist/ ethnic problems; some, like Québec, are politically restive, but dormant in the violent sense. Can it be safely assumed that social conditions and attitudes there will never again produce a milieu in which even a tiny minority of extreme nationalists will find reasons to use violence? One area to watch carefully may be the Balkans, as suggested earlier. Forty years of Communist rule stifled the old ethnic animosities that be-deviled the Austro-Hungarian Empire, but it has not ended them. This, combined with the yearning for reform, the continuation of repression, and the erosion of regime legitimacy, provides a lethal recipe for violent unrest. This has already occurred in Yugoslavia; similar conditions prevail in Romania and Bulgaria - will they be next? The existence of substantial emigré populations could give such conflicts an international dimension, with terrorism as a possible weapon of choice. The USSR could face the same problem with respect to Armenians.

5. State: Here the signals are mixed, and hard to read. Some analysts assert that states, such as Syria, have found the costs of involvement in terrorism, even indirectly, too high, and have either reduced their role or taken steps to conceal it better.[38] Yet, there is also evidence which suggests that other states - Iran, Libya, and North Korea - are continuing their involvement.[39] If Syria's experience is any guide, then the future of state terrorism will depend as much upon the internal dynamics of the particular regime, its perceptions, goals, security and foreign policy objectives,[40] as upon the reactions of target states. Again, it is worth making the point that, if it is rewarded, state terrorism will continue. Looking beyond the Middle East, there are other potential sources of state terrorism, some of which have already used such methods domestically, the Soviet bloc states and South Africa being cases in point. To the extent that they have conducted such activities in the international arena, they have taken care to cover their tracks, although not always with success. The evidence of Soviet involvement in sponsoring otherwise independent terrorist groups has always been problematic, with genuine facts obscured or misconstrued by believers and critics alike.[41] In the new climate of East-West cooperation, such support as there was may be reduced. But if the Soviet Union finds itself confronted with unrest at home, with sympathetic

violence conducted abroad against Soviet targets, a clandestine, violent response is not out of the question. The Soviet Union, described by one as analyst as the embodiment of the perfect "counterintelligence state",[42] has the means to conduct such activity, and a long tradition of harrassment, provocation, and assassination of emigré dissidents, a tradition which pre-dates the Soviet regime.[43] And if the leadership perceives that the security of the state is at stake, no amount of Glasnost will prevent them from taking those measures they deem necessary. The same could probably be said for the Soviet-model regimes of Eastern Europe, and possibly for China as well. Some have suggested that the turmoil in the Punjab has prompted India to resort to similar methods, although the veracity of these allegations is difficult to assess.[44] The United States, and other Western countries, have also been accused of direct or indirect involvement in state terrorism, such as assassination plots and support of insurgent groups which employ terrorism as one of their methods of armed struggle. Regardless of what one might think of the merits of particular cases on political or moral grounds, or even whether the term "state terrorism" is appropriate in the circumstances, the events did occur, and some certainly fit the definitional criteria.[45] But it must also be acknowledged that such incidents are the exception, not the rule and that, upon almost inevitable exposure in an open society, the attendant furor and embarrassment provide strong political disincentives to continuing such practices.[46] The level of threat and the political climate in the liberal democracies would have to change radically, drastically, before such methods would receive consensual support across the national political spectrum. At the present time, there is nothing to suggest such a change is imminent or likely.

Moving from the traditional sources of terrorism to the non-traditional, attention is drawn to the threat of terrorism associated with narcotics trafficking. This does not refer to the violence normally associated with the traditional clash between organised crime and the police, but rather a problem of a different scope and magnitude: the use of terrorism by the traffickers to protect their industry, investment, and profits, by attacking the political and legal structure that is trying to disrupt, contain, and ultimately defeat their efforts. As noted earlier, this has already occurred in the producing countries, most notably Colombia. Given the stakes involved for the traffickers, it raises a host of other questions: is there a threshold of effectiveness in the consuming countries' anti-drug efforts that could provoke the traffickers into attacking our political and legal institutions, in an effort to paralyse them into ineffectiveness? What kinds of actions could be anticipated? What would be the consequences of a concerted campaign? Do our societies have the resources, the resilience, and the will to withstand such an attack and to respond effectively yet in a manner compatible with our fundamental democratic principles? These questions are probably unanswerable at present, but the implications are sufficiently serious as to warrant consideration before it becomes reality.

Possible Trends in Tactics, Technology and Targets

There is a general consensus among experts that terrorists have shown themselves to be "tactically conservative", "imitative, not innovative".[47] Bombings, assassinations, armed assaults, and kidnap/hijack/hostage actions account for about 95% of all terrorist actions.[48] Most agree that this appears unlikely to change much in the future, and that changes will tend to be incremental rather than sudden and dramatic. There are, however, noticeable changes in technology and targets, usually forced upon the terrorist by "hardening" of previously accessible targets, and perhaps by hardening of public attitudes, who become numbed by violence and thus require more violent events to be shocked. These two factors interact with technological and targeting changes. The most noticeable change in the 1980s was the increased attacks on people, as opposed to property, the use of more powerful explosives to carry out these attacks, and the consequent greater loss of life.[49] The Beirut and Lockerbie bombings (and the suspected Air India bombing) come most readily to mind, but it is worth remembering that multi-casualty bombings are quite common in Northern Ireland and Sri Lanka as well. Regrettably, there is no evidence suggesting that this trend is likely to change anytime soon; sophisticated triggering devices and hard-to-detect explosives are readily available, and technological counter-measures, such as Explosive Vapour Detectors, are expensive and thus will never be as widespread as they need to be. There will always be holes in the net.

Since the early 1970s, many analysts have been concerned about the threat of nuclear terrorism.[50] Apart from hoaxes, it has not yet occurred, and most analysts do not regard it as inevitable, in view of the difficulties and risks involved in trying to steal or build a nuclear weapon, and perhaps because of political calculation and moral constraints; actions which caused such revulsion and repression as to discredit the goals of the group and to bring about their destruction presumably would not be in the interests of the group. The moral dilemmas of conducting mass murder might also undermine group unity and security.[52] On the other hand, seizing a nuclear power station near a large city, with the threat to sabotage it as a lever of extortion, seems much more plausible.

Chemical and biological weapons may offer a more attractive choice to the future terrorist. Iraq's use of chemical weapons in the Gulf War (and in suppression of Kurdish insurgents) not only breached a moral threshold which had been largely intact since the First World War; it also means that there is now a potential source of chemical weapons which terrorists would not have to steal. Similar concerns have been expressed with respect to Libya.[52] Chemical weapons offer potentially as much leverage power as nuclear ones; and depending on the type of weapon, the quantity available; and the nature of the target, they may provide the user with a wide range of choice in terms of application, from a discrete whiff, which demonstrates the threat by killing only a few, to massive use which wipes out an entire city.[53]

Finally, some analysts have identified other potential vulnerabilities in our technology-dependent societies, such as computers. Computer "hackers" have played havoc with a few networks; the development of destructive computer "viruses" is a focus of concern at this time.[54] It seems fair to ask whether such activities could be used to give terrorists yet another form of leverage over individuals, organisations, or a government.

Nevertheless, it is important to keep a sense of perspective on these possibilities As noted above, terrorists have not been particularly innovative, and they are not possessed of super-human powers; they tend to tailor means to ends, which usually are not self-destructive or apocalyptic. As U.S. Ambassador for Counter Terrorism L. Paul Bremer notes, 'there is no persuasive evidence yet that the availability of higher technologies has led to their automatic or widespread use by terrorists.'[55]

Forecast and Implications for Canada

Terrorism is a sufficiently serious problem that even a forecast that suggests little change in the present situation is quite disturbing. A general forecast might include the following observations: first, that regardless of the number of incidents, the number of casualties is likely to increase; more groups appear inclined to use tactics that target the general public with the means to cause mass casualties. That said, the quantum leap to weapons of mass destruction (nuclear or chemical/biological) does not appear imminent. It should not be ruled out, however. Chemical/biological weapons may offer greater flexibility to terrorists, and should be easier to acquire; this threat bears some watching. On the other hand, the seizure of a nuclear plant as a means of extortion may be more likely than theft or construction of a nuclear device.

Second, most of the world's terrorist will occur in, or be related to, civil war/insurgent/nationalist conflicts in the Third World, and most of that will be confined within the geographic boundaries of the states concerned, or within the region immediately adjacent. Some of these conflicts, such as that in South Africa, do have the potential to "spillover" into international terrorism in the West. Unrest in the Soviet republics, in Eastern Europe and the Balkans, and China might also provide the impetus for international terrorism against the regimes in question.

Third, Western countries will continue to experience both domestic and international terrorism, arising from indigenous issues and extraneous ones. Indigenous sources will include unresolved nationalist struggles (Northern Ireland, Basque region), anarchist movements, and right-wing extremism. Anarchist groups will be attracted to populist issues, such as those associated with opposition to nuclear power and weapons, military alliances and weapons production, and the environment. Individuals, government institutions, and companies linked to nuclear matters, military affairs, or pollution would be the targets in these cases. Rightist/racist groups will continue to attack targets associated with their particular political agenda: Jews, Blacks, and other ethnic minorities; immigration and refugees from the Third World; foreign workers; anyone or any group thought to be on the political Left; government officials and institutions which enforce policies the rightists oppose.

International terrorism in the West will consist of the usual mixture of anarchist, ideological, and nationalist causes and groups, some of whom may act in collaboration, usually in temporary alliances of convenience rather than marriages of commitment. If some kind of Palestinian-Israeli settlement is reached, there may be a sharp decline in Palestinian terrorism, but it will not disappear completely. In fact, the more extreme factions (such as the PFLP-GC, and the Abu Nidal group) may try to re-escalate the international struggle, by extending their attacks to the publics and representatives of any government which supported the creation of a West Bank Gaza Palestinian state. If the crisis in South Africa deepens, without any hope of an internal settlement, then the struggle against Apartheid might turn international in a significant way, the targets being individuals, governments and companies with links to the South African government and its economic structure. India will continue to be a target, mainly by Sikh extremists, but also by Sri Lankan groups if Indian involvement there becomes even more unwelcome than it is at present. With regard to the Soviet Union, much depends on its handling of unrest in its constituent republics. If nationalist aspirations are unresolved politically and suppressed violently, then the emigrés from any of these areas turn to terrorism, the targetted regimes have the means to respond in kind.

What does this mean for Canada? Owing to its relative geographic isolation, and its low-profile and non-controversial international policies, Canada has never been a high priority target for international terrorism. Canadians themselves are rarely singled out. Most of Canada's experience with international terrorism has been as a result of spillover from "other people's wars". Most analysts agree that these general trends are likely to be sustained into the foreseeable future.[56]

That said, Canada is not immune to global trends, and there are areas of domestic concern. What was said above concerning the possible targets of international terrorism applies as much to Canada as to other Western countries. Moreover, Canada may serve as a transit point or "springboard" for attacks directed against the United States.[57] In the domestic arena, there is the unresolved nationalist issue of Québec; Francophones have demonstrated their commitment to the democratic political process. But it is not unreasonable to ask whether that commitment is unshakable for everyone, and whether there are conditions which could once again favour extremism, even by a tiny minority. On the right, there is no well-organised terrorist network at present, but there are individuals and small groups which could provide the basis for a larger movement,[58] if the social/political climate favoured it. The most likely issue around which it could coalesce would be immigration, particularly the perceived abuses of the system. But it is also possible that Anti-Israeli terrorist groups might find opportunities to make common cause with Canadian rightist groups. The key indicator to watch will be the fortunes of rightist/racist groups in the U.S.; resurgence there might be paralleled by growth in Canada.

Finally, there is the question of narcotics-related terrorism. It seems fair to suggest that, unless Canada's efforts to restrict the traffic become so effective as to seriously disrupt the trade, or unless Canada adopts a policy which completely undercuts the crime-controlled industry (such as blanket legalisation), then Canada probably has nothing to fear from the potential of "narco-terrorism".

PART 2: TERRORISM AND THE CHALLENGE OF POLICING

It is probably a safe bet to assume that most Canadian police officers will never have to confront a major terrorist incident. But that does not mean they can afford to be ignorant of the problem and its potential both here and abroad. All of the assessments offered above can be undone by a single, unanticipated incident or development. Where terrorism is concerned, it pays to expect the unexpected. That means, first, understanding the nature of the problem, toward which this essay represents a modest contribution. Recognising terrorism for what it is, a form of political warfare, carried out inside the social structure by means which resemble organised crime, also brings with it the recognition that regardless of source and circumstances terrorism is not just a policing problem. It is not theirs alone to solve, but will require a cooperative response from many individuals and agencies.

Second, it is important to keep the problem in perspective, both in the global and national contexts. As serious and horrifying as it is, there are more pressing problems; for Canada, drug addiction and the related crime problem is likely to remain much more socially corrosive. Obviously, when terrorism arises it must be dealt with and, as the experiences in Western Europe have shown, given patience, persistence, and the appropriate legal, material and human resources, it can be reduced to insignificant levels, if not eliminated completely. But, it can also regenerate unexpectedly. So, it is usually wise to avoid provocative declarations, such as "War on Terrorism" and "Victory over Terrorism", because the public may expect quick victories where a long haul is required, and victories themselves may prove to be temporary and ephemeral.

Yet, being well-informed, "sensitive" to the issues is insufficient in itself. If, as both custom and the law dictate, the role of the police is "to keep the peace", then a more pro-active role in countering terrorism is thereby implied. This means not only being able to deal with a hijacked airliner or an embassy under siege, but also taking steps in advance to ensure that such things do not happen or originate within the jurisdiction of the force concerned. This, in turn, implies an intelligence role, since a police force cannot keep the peace if it does not know what is happening within the area under its authority. While in theory the police and security intelligence service roles in this regard are distinct and separate, as one analyst points out, this perception arises from a view of the problem which divides the problem organisationally; in fact, counter-terrorism intelligence, both before and after the incident, involves a considerable degree of functional overlap, which cannot be divided arbitrarily between police and security services. The need for collaboration is obvious; but so too is the need to demarcate, as clearly as possible, the respective roles, areas of responsibility, and which agency or force should have the lead or coordinating role.[59]

There are some obvious areas of police expertise - drawn from other realms of policing - which are well-established, and which may play a leading role in future counter-terrorism operations and investigations: the identification and tracing of weapons, explosives, stolen vehicles, and forged documents; forensic examination; investigating illegal financial transactions, such as the laundering of money and the use of legal business "fronts" for illegal activities; mounting a "sting" operation to capture a fugitive. There are also areas in which the police clearly do not have a role: psychological warfare and deception operations aimed at outsmarting terrorists by sowing confusion, dissension, and defeatism.

I should like to close by suggesting one area, closely related to intelligence collection, in which the police will have an important role to play, and that is in community contact. If, as experience suggests, Canada's terrorism problems may arise out of or be directed against, expatriate/emigré populations, it will be essential for Canada's police forces to be in close contact with those communities: to understand them, empathise with them, to earn their confidence and respect, and to recruit from them. Without this, no intelligence will flow, nor will the cooperative efforts required to protect these communities from attacks by foreign agents or local bigots. In a country which prides itself on promoting tolerance and multi-cultural harmony, the police officer can be an important bridge between rival, hostile communities. The challenge for the Canadian policeman will be to demonstrate that he or she is worthy of the respect and trust of minority groups, thereby overcoming the largely undeserved, but nonetheless common stereotype of the policeman as racist and oppressor.[60]

REFERENCES

1. Amos Lakos, International Terrorism: a Bibliography (Boulder, Colorado: Westview Press, 1986), and Alex P. Schmid and Albert J. Jongman, et al., Political Terrorism: a New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature (New Brunswick, New Jersey: Transaction Books, 1988), list 5266 and 5831 published items respectively - and these are not all the same items.

2. This includes approx. 19,000 casualties for the period 1968-85, 2,163 for 1986 and 2,600+ for 1987. Data extracted from: Jeffrey Ian Ross, "The Nature of Contemporary International Terrorism," draft chapter in David A. Charters, ed., The Democratic Response to International Terrorism (forthcoming); Richard H. Ward, "International Terrorism: An Overview," (Unpublished conference paper, 1987); L. Paul Bremer, "Essential Ingredients in the Fight Against Terrorism," Department of State Bulletin, Vol. 88, no. 2136 (July 1988), p. 62. All the estimates are based on U.S. government figures. These figures do not include the victims of state terrorism directed at internal dissidents by means of torture, execution, etc.

3. Walter Laqueur, "Reflections on Terrorism," Foreign Affairs, vol. 65, no. 1 (Fall 1986), p. 87.

4. Ibid., p. 100.

5. Franklin Ford, *Political Murder: From Tyranocide to Terrorism* (Cambridge, Massachusetts: Harvard University Press, 1985), p. 246-49.

6. Walter Laqueur, "Terrorism Reconsidered," *NATO's Sixteen Nations* (November 1987), p. 33.

7. Quoted in Casey French, "Terrorism," *Globe and MAil*, 17 June 1989, p. D1.

8. Walter Laqueur, *The Age of Terrorism* (Boston: Little Brown, 1987), pp. 142-45; Schmid and Jongam, pp. 1-38 pursue the definitional quest with rigour, and offer a new definition of their own (p. 28), which attempts to encompass all the charcteristics suggested by academic experts. Yet, even this definition, 117 words in length, leaves a number of issues unresolved. Schmid's earlier research guide, published in 1984, identified 109 different definitions.

9. Laqueur, *Age of Terrorism*, p. 143; Schmid and Jongman, pp. 5-6.

10. Schmid and Jongman, pp. 45-49. There are other typologies, such as those based on cause, methods, motivation, and purpose; but since political objectives lie at the heart of terrorism, I have chosen to employ a typology based on political objectives. This does not mean others are less valid.

11. Grant Wardlaw, "Linkages Between Illegal Drugs Traffic and Terrorism," *Conflict Quarterly*, vol. 8, no. 3 (Summer 1988), pp. 5-26. See also Mark S. Steinitz, "Insurgents, Terrorists and the Drug Trade," *Washington Quarterly*, vol. 8, no. 4 (fall 1985), pp. 141-53.

12. Paul Wilkinson, *Terrorism and the Liberal State*, 2nd ed. (London: Macmillan, 1986), p. 182.

13. Laqueur, "Reflections on Terrorism," p. 90.

14. Harry Eckstein, "On the Etiology of Internal Wars," in G.A. Kelly and C.W. Brown, eds., *Struggles in the State: Sources and Patterns of World Revolution* (New York: John Wiley and Sons, 1970); Eckstein offers 21 hypotheses on the sources of internal war. See also Paul Wilkinson, "Social Scientific Theory and Civil Violence," in Wilkinson, *et al.*, eds.,

Terrorism: Theory and Practice (Boulder, Colorado: Westview Press, 1979), pp. 45-72.

15. Laqueur, Age of Terrorism, pp. 150-65.

16. Maurice Tugwell, "The Utility of Terror," Janes Defence Review, no. 2 (1980), pp. 151-55; and Nicholas O. Berry, "Theories on the Efficacy of Terrorism," Conflict Quarterly, vol. 7, no. 1 (Winter 1987), pp. 7-20.

17. International Institute of Strategic Studies, Strategic Survey 1988-89 (London: IISS, 1989), pp. 5-13.

18. For example, compare the distribution maps in "The World's Wars," The Economist (12 March 1988), p. 19, and French, "Terrorism," Globe and Mail, 17 June 1989.

19. Soedjatmoko, "Patterns of Armed Conflict in the Third World," Alternatives: a Journal of World Policy, vol. 10, no. 4 (1985), p. 477.

20. Ibid., pp. 478-81.

21. Laqueur, "Terrorism Reconsidered," p. 34.

22. Schmid and Jongman, pp. 47-48; see also Anthony Kellett, Contemporary International Terrorism and Its Impact on Canada, ORAE Report No. R100 (Ottawa: Department of National Defence, February 1988), p. 17.

23. B.M. Jenkins, "The Future Course of International Terrorism," in Paul Wilkinson and A.M. Stewart, eds., Contemporary Research on Terrorism (Aberdeen, Scotland: Aberdeen University Press, 1987), p. 582; and his article under the same title in the Futurist (July/August 1987).

24. Quoted in French, "Terrorism," Globe and Mail (17 June 1989).

25. Juliet Lodge, "Terrorism and the European Community: Towards 1992," Terrorism and Political Violence, vol. 1, no. 1 (January 1989), pp. 28-43.

26. From an article in Krasnaya Zvezda (Red Star - the Soviet military newspaper), cited in Globe and Mail, (22 June 1989), p. A3. On the strength of Islam inside the USSR, see Robin Wright, Sacred Rage: the

Wrath of Militant Islam (New York: Touchstone/Simon and Schuster, 1986), pp. 260-280.

27. On the dilemmas confronting Eastern European regimes, see Charles Gati, "Eastern Europe on Its Own," Foreign Affairs, vol. 68, no. 1 (1989), pp. 99-119.

28. Berry, pp. 7, 17-18.

29. French, "Terrorism," Globe and Mail (17 June 1989); "Scotch'd the snake, not killed it," The Economist (23 April 1988); "Terrorism Unbeaten but no longer threat to nation," The German Tribune (15 November 1987); see also "Profile's of Action Directe and the Red Brigades" in TVI Report, vol. 8, no. 2 (1988).

30. "Japanese terrorist group rises again, with help from its friends," Washington Times (13 January 1988); "Japanese Red Army: on a New Course of Violence?" Christian Science Monitor (18 April 1988); Robert Kupperman and Jeff Kamen, "Terrorism in the United States?" The World and I (June 1988), pp. 102-6; Daniel Sneider, "Japan Girds for Possible Terrorism," Christian Science Monitor (14 February 1989).

31. The so-called "Euroterrorist" offensive, of 1984-87, conducted jointly by the Red Army Faction, Action Directe, and the Communist Combatant Cells against NATO illustrates this point, as does the language of the communiqué issued by the Canadian "Direct Action" cell after the 1985 Litton bombing. On the Euroterrorists, see Laqueur, Age of Terrorism, pp. 288-90, and the joint communiqué issued by the RAF and AD in January 1985.

32. See, for example: Robert B. Ash, "Sendero Luminoso and the Peruvian Crisis," Conflict Quarterly, vol. 5, no. 3 (Summer 1985), pp. 32-43; on the Khmer Rouge and the New Peoples Army, see Henry W. Dagenhardt, ed., Revolutionary and Dissident Movements: an International Guide (Detroit: Gale Research Company/Longman, 1988), pp. 195-197, 297-99.

33. Hamas, or the Islamic Resistance Movement is thought to represent this trend. See Glenn Frankel, "Hardline Arab Group Threaten to Take Over Palestine Uprising," Manchester Guardian Weekly (2 October 1988), p. 20.

34. Noemi Gal-Or, The Jewish Undergound: Innovation or Recurrence? (Tel Aviv: International Center for Peace in the Middle East, May 1986); Carol Rosenberg, "Shadowy Group Targets Israeli Leftists," Globe and Mail (28 April 1989), p. 5.

35. Bruce Hoffman, Recent Trends and Future Prospects of Terrorism in the United States R-3618 (Santa Monica: Rand Corporation, May 1988), pp. 5, 25-41, 48-56; a fascinating and insightful journalistic perspective is provided by James Coates, Armed and Dangerous: the Rise of the Survivalist Right (New York: Noonday Press/Farrar Straus and Giroux, 1987); Stanley R. Barrett, Is God a Racist?: the Right Wing in Canada (Toronto: University of Toronto Press, 1987), pp. 325-26 asserts that racism is deeply 'institutionalized' in both Canada and the U.S., thereby creating a favourable climate for racist violence.

36. Laqueur, Age of Terrorism, p. 259 points out that up to the mid-1980s the ANC had no need to transform its mass struggle, in which demonstrations, strikes and other actions were just as important, into a campaign of individual terror. Yet it is important to note that even when acts of indiscriminate violence have occurred, ANC action has not significantly eroded the broad base of support that the anti-apartheid movement enjoys, among both whites and blacks in South Africa, and among churches, international agencies, foreign governments and non-governmental organizations world-wide.

37. Among these are the: Abu Nidal Organization, Popular Front for the Liberation of Palestine, and The PFLP-General Command. See United States, Defense Intelligence Agency, Terrorist Group Profiles (Washington, D.C.: U.S. Government Printing Office, 1988), pp. 5, 24-25, 26.

38. L. Paul Bremer, "Terrorism: its Evolving Nature," Department of State Bulletin, vol. 89, no. 2146 (May 1989), p. 75. See also Shireen T. Hunter, "Terrorism: a Balance Sheet," Washington Quarterly, vol. 12, no. 3 (Summer 1989), pp. 25-26.

39. Ibid.; Maxine Pollack, "The Selling of Terrorism: Profit from a Lucrative Export," Insight (20 June 1987), pp. 30-31; Don Oberdorfer, "U.S. Brands North Korea as Terrorist," Washington Post (21 January 1988).

40. Diane Tueller Pritchett, "The Syrian Strategy of Terrorism," Conflict Quarterly, vol. 8, no. 3 (Summer 1988), pp. 27-48.

41. The most controversial work in this regard was Claire Sterling, The Terror Network: the Secret War of International Terrorism (New York: Holt Rinehart and Winston, 1981), which has been both praised as accurate and damned as 'disinformation', largely over the reliability of some of the author's unidentified sources. It may be fair to suggest that her critics read more into her evidence and assertions than she herself would have conceded. A more sober scholarly work on the subject is Roberta Goren, The Soviet Union and Terrorism (London: George Allen and Unwin, 1984). Laqueur, Age of Terrorism, pp. 269-80, points out the ambiguity in Soviet attitudes when contrasted with the wealth of circumstantial evidence.

42. John J. Dziak, Chekisty: A History of the KGB (Lexington, Mass: Lexington Books, 1988), p. 4.

43. Ibid., pp. 4-17, 39-50.

44. This apparently is the central thesis of a new book by Zuhair Kashmeri; he was advancing theories about Indian Intelligence provocation as early as autumn 1985. See his article, "Sikh Lobby target of Indian Intelligence game, sources say," Globe and Mail (28 November 1985), p. A9a.

45. The assassination plots against Fidel Castro being a case in point; others have argued that U.S. support for the Nicaraguan "Constras" directly implicated the United States in assassinations and other terrorist-style incidents, such as the mining of Nicaraguan ports.

46. For example, the controversy which has embroiled the British government over the shooting of the three Provisional IRA terrorists in Gibraltar, as well as the allegations of a "Shoot-to-Kill" policy on the part of the police in Northern Ireland itself.

47. Bruce George, Rapporteur, Working Group in Terrorism: Final Report (Brussels: North Atlantic Assembly, February 1987), p. 35; Kellett, p. iii; Bremer, "High Technology Terrorism," Department of State Bulletin (July 1988), p. 65.

48. Jenkins, in Wilkinson and Stewart, p. 585.

49. Ibid., pp. 583-6.

50. One of the earliest, most instructive and thoughtful works in this field is John McPhee, The Curve of Binding Energy (New York: Farrar Strauss and Giroux, 1973). For more recent policy studies, see Paul Leventhal and Yonah Alexander, eds., Nuclear Terrorism: Defining the Threat (Washington; Pergamon-Brassey's, 1986), and Preventing Nuclear Terrorism (Lexington, Mass: Lexington Books, 1987), companion studies sponsored by the Nuclear Control Institute.

51. Jenkins, in Wilkinson and Stewart, pp. 587-88.

52. John J. Fialka, "Libyan Gas Plant Nears Production, U.S. Officials Say," Wall Street Journal (13 February 1989), p. 12; Colin Norman, "CIA Details Chemical Weapons Spread," Science (17 February 1989), p. 888.

53. Chemical poisoning has been suggested as the cause of the crash of the aircraft carrying Pakistani President Zia ul-Haq. See "Zia's Death: CW Connection Becoming Clear," Defense and Foreign Affairs Weekly (13 March 1989), p. 1.

54. Kupperman and Kamen, pp. 105-6.

55. Bremer, "High Technology Terrorism," Department of State Bulletin (July 1988), p. 65.

56. Canada, Senate, Report of the Senate Special Committee on Terrorism and the Public Safety (Ottawa: Supply and Services Canada, 1987), pp. 12-14; Kellett, pp. 110-111.

57. Kellett, pp. 109-10.

58. Kellett, pp. 101-2; Barrett, pp. 75-100, 120-55, 171-73 draws attention to the Western guard, Ku Klux Klan, and the Aryan Nations groups in particular.

59. On tasks, sources and methods, and analysis, see Grant Wardlaw, Political Terrorism: Theory, Tactics and Counter-measures (Cambridge: Cambridge University Press, 1982), pp. 131-46; K.G. Robertson, "Intelligence, Terrorism and Civil Liberties," Conflict Quarterly, vol. 7, no. 2 (Spring 1987), pp. 43-62; and David A. Charters, "Intelligence for Countering Terrorism: Some Problems of Collection," [unpublished] paper presented at Annual Convention

of International Studies Association (April 1987); on organizational distinctions and functional overlap in the Canadian Context, see A. Stuart Farson, "Criminal Intelligence vs. Security Intelligence," draft chapter in David A. Charters, ed. The Democratic Response to International Terrorism (forthcoming) sponsored by the Canadian Institute for International Peace and Security, and directed by Centre for Conflict Studies, University of New Brunswick.

60. On police racism, both real and perceived, see Barrett, pp. 321-23.

TERRORISM AND POLITICAL CRIME: THE CHALLENGE OF POLICING IN THE GLOBAL VILLAGE

REPORT OF THE WORKING GROUP

Our group was asked to use our knowledge and expertise in three ways:

(1) We were to assess known information trends and possible future developments in the area of terrorism and political crime.

(2) We were to suggest policy relevant to terrorism and political crime and address to the future needs of:

- (a) the police organization
- (b) the local community and
- (c) the state (higher levels of government)

This could include either specific policies, general areas in which policies are needed, or both.

(3) We were to delineate policy linkages and implications between the various levels with particular attention to areas of agreement or conflict.

Our discussion, while covering a number of specific areas, led very quickly to the heart of the majorities concern. This concern focused specifically on the police organization and its readiness to deal with the issue of terrorism on the local level, both currently and in the future.

It was expressed that, "Canada is not overrun with terrorist activity." I found this comment interesting in light of a recent study by JEFFREY IAN ROSS, UNIVERSITY OF COLORADO, BOULDER, CO., U.S.A. His study utilized a data base that covered 1960 - 1985 and indicated there were almost 500 separate incidents of a terrorist nature, however, this also includes high activity areas such as the days of the F.L.Q. in Québec and the DOUKHOBOR activity of British Columbia, nonetheless, over time, it paints a picture of a less than tranquil scene.

The group noted that internationally, higher casualty rates were being reflected in statistics and particularly cited advanced technology being utilized in bombings.

While we agreed that overall, an act of terrorism would, by and large, evoke a national security response, we expressed a need for Federal and Municipal agreements to be formalized where appropriate to avoid confusion, overlap of response, etc.

Of the definitions available for terrorism, I believe this one to be simple yet comprehensive - "The politically, socially and/or religiously motivated criminal intimidation of the innocent." Having said that, I find it falls in line with the group response, in that, the action is deemed to be a criminal action and to that, as law enforcement, we respond.

Police response to criminal activity, of course, is not only reactive, but also has us responding via the intelligence gathering mechanism.

Once the activity to which we react is recognized as a terrorist act and moves into the political arena, there is need for communication with the various Federal organizations and subsequent action.

In summary of the foregoing, the group concurred on a three point view of the police and its relationship with a terrorist act:

(1) There should be a mechanism to ensure preparedness (intelligence networking, communication, etc., involving all appropriate agencies).

(2) There should be an understanding that general response will likely be that of reaction to any crime.

(3) There should be a mechanism for the disposition of such an incident, once identified as a terrorist act.

Policy should be developed to encompass all of these points, however, it is particularly important that policy on disposition be clearly defined and linkages set out to guide the number of agencies which could become involved in such an incident.

I took the liberty of soliciting some specific remarks from our speaker, DR. DAVID CHARTERS, on "Terrorism and Political Crime" as it relates to policy. I include them as I thought they may be helpful to individual police agencies and indeed to all the police community:

"(1) policy formulation begins with the recognition that there is an issue or problem which may have some impact on your responsibilities and, therefore, deserves your attention.

(2) The next step is to understand the nature of the problem; what it is (and isn't) and why it may be important.

(3) There will be a requirement to get a handle on the scale of the problem and it's implications for your responsibilities. This means assessing the threat - in CT, no policy can be realistically formulated without being founded on a proper threat assessment. The assessment should be aimed at answering the six basic questions: who, what, when, where, why and how.

(n.b. Threat = motive + intention + plan + means + target + opportunity + potential pay-off)

(4) Threat assessment will ideally identify source, level, motive, target of threat and thus, will guide policy in the allocation of resources to pre-empt, contain, or defeat the threat.

(5) Establish clear goals matched to threat and resources, delineate responsibilities and objectives.

(6) Above all, communicate and cooperate."

I believe that David's comment regarding communication and cooperation underscores the need for scheduled meetings with focused areas of discussion.

Canada's terrorism activity currently may not be on a high level; however, it only takes one incident to put the entire nation in a state of alarm, as we have seen recently with our U.S. neighbours.

In discussion, our group reflected upon our relationship with the U.S. as well as our country's immigration practises and the inherent possibilities fo increase in numbers of incidents.

In my opinion, the government's response is important to us in law enforcement; as good or bad government policy has the potential of either encouraging or discouraging terrorism.

The group did not have time to spend in reviewing policy as viewed from a government perspective.

In closing, I would like the following to be considered in measuring government response to terrorism.

These are a number of substantive conclusions based on selective experience and only presented for reflection as I have said.

> "Concessionary policies and failure to extradite terrorists are associated with an increase in terrorist activity.
>
> Establishment of a tough policy following a period of softness appears to require consistent actions applied over a period of time.
>
> A period of soft, concessionary policies may result in the establishment of a terrorism infrastructure.
>
> Isolated policy events, regardless of intensity, have no impact when they run counter to general policy implementation.
>
> A consistently applied, increasingly tough policy toward incident management is associated with significant decreases in all serious events.
>
> Failure to adopt and implement a tough, consistent incident management policy, during a specific period of time, can be associated with increases in terrorist activity."

Supt. Vincent J. MacDonald
Halifax Police Department

DEMOGRAPHIC CHANGE AND THE FUTURE OF POLICING

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Introduction

The community in which police managers grew up is not the same as the community they now police, and the community of the future will look much different than it does today. The future of policing will be shaped by many factors including technology; politics; social trends such as accountability, deregulation, and the emphasis on human rights; and by the culture and traditions which are part of today's police world. This paper will focus on one of the biggest challenges which must be faced by the police in the future which is the changing demographic structure of society.

Some people equate studying the future with science fiction and feel that it deals only with far-fetched speculation. However, some things about the future are known with certainty. For example, we know that everyone the police will arrest until 2001 and everyone they will hire until 2009 has already been born. It is true that the factors which determine who is arrested and who is hired are likely to change, but there is a solid base of knowledge for future planning. Projections can be made based on what we now know, but they must be modified as new circumstances arise.

The topic of demographic change is a very broad one, so I will limit my discussion to three major trends. These are population aging and declining birth rates, the changing racial and ethnic structure of Canada, and changes in family structure and composition.

POPULATION AGING AND DECLINING BIRTH RATES

The Age Structure of the Canadian Population

Traditionally, societies have had more younger than older people. As people grew older and died, there were always more young people to support them and to replace them. However, in North America and many other industrialized countries two demographic events have radically altered this structure. The first of these events was the baby boom. Figure 1 illustrates how the long-term decline in fertility rates reversed quite dramatically at the end of the Second World War. For a period of about 20 years these rates stayed very high. The second major demographic event which was the baby bust. This term describes the fact that fertility rates then declined as quickly as they had risen as the long-term trend toward reduced fertility continued.

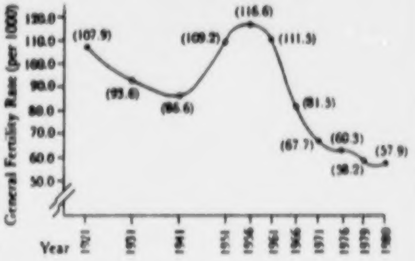
To show the impact of these changes on the age structure of our society, consider the two population pyramids shown in Figure 2. The first shows the population of Canada in 1881. The pyramid, which has males on the left and females on the right, shows an age distribution typical of growing societies. The largest number of people are in the youngest age category and there is a steady decline as we move up in age categories. Both fertility and mortality rates are quite high so there is a relatively small proportion of old people. In the 1981 pyramid, you can see the consequences of the baby boom and the baby bust. The proportion of older people is much higher than in 1881 and as the baby boom generation ages there are not enough younger people to replace them.

The fertility rate has now decreased to below the replacement level of 2.1 children per woman. It is currently 1.7 and is still declining. As a result, our population will gradually age and will eventually decline in numbers because fertility is not at the replacement level. The proportion of people 65 and over will soon begin to rise dramatically. In 1881 only 4 percent of the population was 65 and over. In 1971 it was 8 percent, by 2001 it will be 12 percent, and by 2030 it may be as high as 24 percent. An illustration of how rapidly this change is occurring can be found in Ontario where the elderly, who made up 10.7 percent of population in 1986, will represent 14.2 percent of the population in 200[1].

This change may result in a decline in the number of people in Canada. The Canadian population will continue to increase until about 2010, and then will begin to decrease. However, it is unlikely that a dramatic decrease will ever happen. Instead we will rely on immigration to make up for our natural population decline. Our level of immigration is currently around 150,000 per year. Assuming that fertility rates stay at their current level and that Canada will continue to lose about 60,000 people a year because of emigration, we will need 250,000 immigrants each year if we wish to have a stable population. To continue with a relatively modest growth rate of 1 percent, we will need over 275,000 per year by the turn of the century[2]. This figure would

FIGURE 1*

General Fertility Rates, Canada
1921-1980



SOURCE: *Vital Statistics 1976*, Volume I. Statistics Canada, Catalogue No. 84-206, Table 6. and Vital Statistics, 1980 Volume I, Statistics Canada, Catalogue No. 84-204, Table 5.

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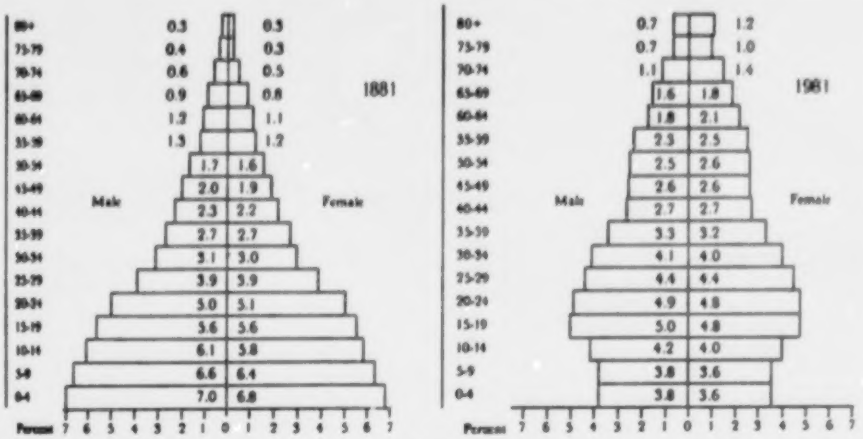
*FROM: Hagedorn, Robert.
1983 Sociology, Second Edition. Toronto: Holt, Rinehart and Winston. P. 205.

FIGURE 2*

Population Pyramids, Canada
1881 and 1981



SOURCE: For 1881, Dominion Bureau of Statistics, *1921 Census of Canada*, Vol. 2, Table 4; for 1981, unpublished statistics.

NOTE: The exact percentages appear in the boxes.

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* FROM: Hagedorn, Robert.
1983 Sociology, Second Edition. Toronto: Holt, Rinehart and Winston, p. 215.

increase to almost 600,000 immigrants per year by the middle of the century.[3] While many different scenarios are possible with varying levels of fertility and emigration, it is clear that immigration levels in the future will almost certainly be higher than they have been in the past.

The Implications of Population Aging

What are the implications of these demographic trends for policing? Many of the children of the baby boom are now in their 30's and 40's and you know of at least two consequences of their numbers on the police. First, as the baby boom generation moved through the peak crime years of the late teens and early twenties, they contributed to the dramatic increase in crime rates in the 1960s and 1970s. Second, the massive influx of baby boomers into the labour market made police recruiting a very busy but pleasant task as the large number of applicants enabled you to select some very capable candidates.

In predicting the impact of the baby bust, we can simply reverse these two consequences. We can expect that crime rates will continue their downward trend as the population ages. However, while crime problems may lessen, we know that seniors have higher levels of fear of crime, so the police must improve their means of response to this problem. If traditional street crime drops the police may have the resources to move into less-traditional areas where demand is likely to grow. These include corporate crime, computer crime, international crime, and environmental crime.

Also, recruiting will become much more difficult in the future as the pool of applicants declines in numbers. You can see evidence of this already in the fast-food industry which has relied heavily on teenage labour. As the number of teenagers drops, companies such as McDonalds have begun recruiting seniors and have also begun marketing their products to an older audience.

Another consequence of the aging population is internal. The age structure of most police departments is much like that of the Canadian population. A great deal of hiring was done in the early 1970's and this group of people is now moving into the time in which promotion might normally be expected. However, relatively few senior people are retiring so these expectations cannot be met. Some creative personnel management will have to be done to ensure that departmental morale is not adversely affected. Looking into the future, departments may have their own version of the baby bust in 10 - 20 years when the large pool of people hired in the 1960's and 1970's retire and will have to be replaced at a time when the pool of potential recruits will be very small. The trend to early retirement made possible by changes in police pension plans may cause this to happen sooner than we might expect on the basis of age structure alone.

CHANGING RACIAL AND ETHNIC STRUCTURE

It isn't likely that most of us would have noticed the changes in Canada's age structure unless we had read about it. However, the changing racial and ethnic composition of our country is much more visible. As we walk down the street, or drive by a school playground, or answer calls in a police cruiser, most of us see many more non-white faces than we did a few years ago. This casual impression is in fact a correct one as the percentage of visible minorities has been growing.

Historical Trends and Current Patterns

For centuries Canada has been racially and ethnically diverse. The aboriginal people who were the original inhabitants of the country make up a significant proportion of the population of the Western provinces and the two Territories. The first Europeans to come to Canada in any significant numbers were French and English and Confederation brought together these two founding groups and gave each the right to its own language and institutions. For much of our history immigration has been encouraged in order to populate our very large country. While the traditional preference was to encourage immigration from Britain and northern and western European countries, in the early 1900s large numbers of Eastern Europeans were brought in to settle the agricultural areas on the Prairies. Many of these immigrant groups kept some aspects of their cultural identities, a pattern that has been sustained by government multicultural policies which have encouraged the retention of ethnic identities.

The most recent change in immigration patterns has been the increased number of non-European immigrants.[4] Since 1961 we have seen a rather remarkable transition in the country of origin of immigrants to Canada. In 1961, 85.3 percent of immigrants came from countries which were predominantly white and European. By 1984, the countries of origin were predominantly non-white and non-European. With only 58.4 percent of immigrants coming from the top 10 countries, the countries of origin were also much more diverse than in 1961. Visible minorities (excluding natives) made up 4.7 percent of the Canadian population in 1981, about 6 percent in 1986, and may eventually increase to about 10 percent of the total population.[5]

During the past few years, relationships between the police and some groups representing visible minorities have been somewhat strained. Inquiries in Nova Scotia and Manitoba have looked at the treatment of racial minorities by the criminal justice system, as has the recent Ontario Task Force. If we consider the fact that Canada's immigration will have to rise to 250,000 a year or more (which is about 100,000 greater than current levels)[6] to compensate for declining birth rates and that much of this immigration will be non-white, there is a clear need for the police to improve relationships with racial minorities.

One other important aspect of this immigration is worth noting. That is the uneven distribution of immigrants across Canada. The vast majority of immigrants choose to live in Toronto, Montreal, and Vancouver. These three cities account for about two thirds of all immigrants, and about 90 percent go to the 8 largest CMAs (Census Metropolitan Areas).[7] Looking at specific groups, 65.2 percent of South Asians and 66.1 percent of Chinese go to Toronto and Vancouver, while 80.2 percent of the Black/African/Caribbean group choose to reside in Toronto and Montreal. As a result of the preferred destinations of successive waves of immigrants, Canadian cities vary quite widely in their ethnic and racial composition. In 1986, the proportion British in cities outside of Quebec ranged from 93.0 percent in St. John's to 38.0 percent in Winnipeg.[8]

The impact of these trends can be shown by comparing how two cities changed between 1951 and 1981. In Halifax the proportion of the population who are of British origin did not change over the 30-year period. There were small increases in the proportion of residents who were African and Other Non-European, but by 1981 these groups made up only 4.5 percent of the population. On the other hand, Toronto changed very dramatically during the period. The proportion of British origin declined from 72.7 percent to 52.2 percent while the largest increases were Italians, who increased from 2.5 percent to 10.0 percent, and the Other Non-European category which increased from 0.9 percent to 9.0 percent. Balakrishnan predicts that the visible minority population in Metropolitan Toronto will increase from 13.96 percent in 1986 to 17.71 percent by 2001.

Aboriginal Peoples

One of the most significant visible minority populations in Canada is not made up of immigrants, but rather of people whose presence in Canada preceded that of the French and English. Aboriginal peoples make up about 2 percent of Canada's population but are greatly over-represented in the criminal justice system. A study in Saskatchewan, where natives made up about 10 percent of the population, found that male treaty Indians were almost 25 times more likely than non-natives to be admitted to a provincial correctional centre. For Metis and non-status Indians, the admission rates were about 8 times higher than for non-natives.[9] Hylton projected that if 1980 conditions persisted, natives would make up about 80 percent of all admissions to Saskatchewan correctional centres by 1993.

While an explanation of these higher rates is a very complex task, some understanding can be gained by looking at demographic patterns, though this by no means constitutes a complete explanation. Because the fertility rate of natives is about 50 percent higher than that of the rest of the population, the proportion of natives is growing. The lower life expectancies of natives and their higher fertility rates mean that younger people (who are most likely to become involved in criminal activities) make up a larger proportion of the native population.

A more important factor in the explanation of high native crime rates can be found in statistics describing the social and economic characteristics of natives. Every available measure shows that natives are disadvantaged. Native incomes are about two-thirds of non-native incomes. Unemployment rates are much higher for natives, and those who are employed are concentrated in low status occupations. The proportion of natives who have never attended high school is twice that of non-natives, and native incomes are about two-thirds of non-native incomes. Infant mortality rates are higher for natives than for non-natives and life expectancy is about 10 years lower than that of the Canadian population as a whole.[10] This pattern of disadvantage is strongly related to the over-representation of natives in Canadian crime statistics.

A recent study of demographic patterns among the Inuit[11] provides a look at the dismal future facing Canada's indigenous populations. High birth rates mean that the Inuit population will grow from the 1981 level of 25,871 to approximately 41,000 by the turn of the century. This 60 percent increase will not be matched by equivalent growth in the wage economy so unemployment rates will be very high. Irwin sums up his analysis with a list of the problems facing the Inuit: "The problems of high population growth, high unemployment, low levels of education attainment, the decline of traditional language and culture, dependence on welfare and increased social breakdown are problems faced by the current Inuit population......When these problems are projected into the future, the potential for social and economic failure takes on tragic proportions" (1989:40).

Implications

These changes in the racial and ethnic structure of Canada have a number of implications for the police:

1. The effects of racism combined with the social and economic deprivation which faces some minority groups can lead to over-involvement in crime. Thus some parts of the country may face more crimes as the minority population increases unless these underlying problems are dealt with.

2. There will be an increase in the number of immigrants who do not speak English or French and who will require police services. Do your departments have someone available who can take a complaint, interview, or read rights to someone who speaks any one of a number of foreign languages? While large urban departments have access to department members who speak different languages or to interpreters provided by a language bank, such services may not be available across the country.

3. Many immigrant groups bring their own crime patterns with them. The fact that these groups may be relatively inaccessible to the police because of racial, language, and cultural differences makes prevention and enforcement quite difficult.

4. The presence of greater numbers of visible minorities may lead to an increase in racial tensions due to the presence of racism in the host population. A 1987 Gallup poll indicated that only 13 percent of Canadians favour an increase in immigration so large increases may lead to some tensions. These tensions will almost certainly be increased if we have difficult economic times, as historically these are periods when there is a perception that immigrants are taking jobs which should be filled by residents. Problems also may

be created by longstanding conflicts between the minority groups themselves. The police are often the first official agency to become aware of these conflicts.

5. In many parts of Canada tensions exist between the police and some visible minority groups. A great deal of work will be required to ease these strains as there are no easy solutions. For example, Dennis Forcese[12] found that while minority-relations seminars were successful in developing interaction between the police and community members, these programs did not change the participants' attitudes or increase empathy. Forcese also suggests that education and even more open recruitment policies will not necessarily make things better. While the research in this area has been quite limited, it appears that programs such as these must be reinforced by positive mutual contacts between the police and the public in order to reduce misunderstanding on both sides. Community-based policing may provide one way of building these contacts.

THE CHANGING FAMILY STRUCTURE

The Flexible Family

We experience life one day at a time. If our perceptual time frame is based on this day to day experience, it often seems as though social change is very slow. However, if we use a time frame of 10 or 20 years we can see some very dramatic transformations in our society. Nowhere is this more evident than in the role of the family. Several decades ago, when most current managers began their police careers, social life was oriented toward families and families were oriented toward raising children. The traditional roles of a working father and a stay at home mother were generally followed. Divorce, working mothers, common-law living arrangements, children born out of wedlock, and voluntary childlessness were all met with social disapproval.

This has changed in the 1980s. Divorce rates are rising the stay at home mother is a relative rarity, respectable people are living together and having children outside of marriage, and many married couples are choosing not to have children at all.

The most important of these changes are related to the increased presence of women in the labour force. In 1931 19.6 percent of women were in the labour force.

The percentage increased to 39.2 percent in 1971[13] and to 54 percent in 1985.[14] This trend was particularly apparent for married women. In 1951, 11.2 percent of married women worked outside the home, while in 1976 this had increased to 43.7 percent. In 1986, both spouses had earned income in 62 percent of husband-wife families.[15]

Figure 3 illustrates several of the changes in family types which took place between 1981 and 1986. Note particularly the increases in common-law unions and lone-parent families compared with the increase in the number of husband-wife families. Note also the large number of common-law unions which are a major reason why out-of-wedlock births have increased from 5 percent of the total births in the early sixties to 19 percent of the total in 1986.

The increase in lone-parent families is also of interest. In 1986 1.16 million Canadian children, or 14 percent of all children in families, were living in one-parent families. This has increased from 8 percent of all children in 1966. Most of these families (82 percent) are headed by women, and a large proportion of these are below the poverty line.

A final trend worth noting is that of divorce. Between 1967 and 1980 each marriage cohort had a higher rate of divorce than each preceding cohort.[16] This means that the likelihood of divorce is greatest for those most recently married. At the present rate, over 1/3 of all marriages will end in divorce. Divorce has a particular impact on children. Children of the eighties will be twice as likely as children of the sixties to experience the separation of their parents.[17] Also, while the situation is slowly changing, many divorces (and most desertions) result in the wife getting custody of the children while the husband retains custody of the money, and the result is a poor single parent family headed by a female. Fully half of lone-parent families headed by women are below Statistics Canada's low-income cut-offs.

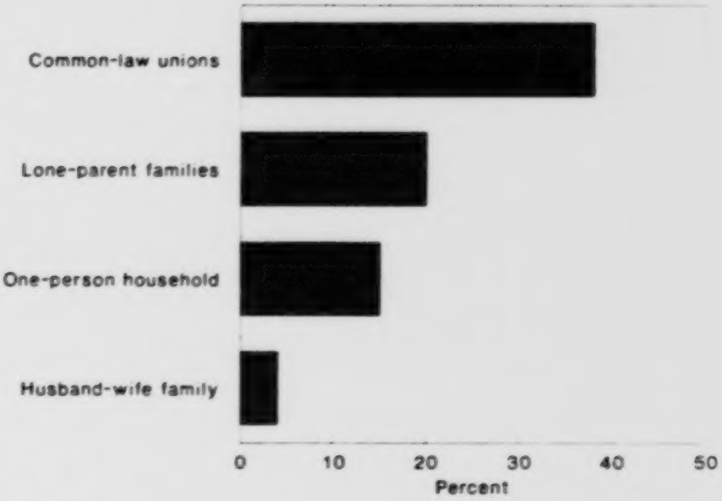
Implications

These changes in family structure affect the police in a number of different ways:

1. The family's ability to nurture and to supervise children is one of the strongest correlates of delinquent behaviour. Divorce, or having two working parents, probably does not directly cause delinquency, as the important variables are the

FIGURE 3*

Percentage Increase in the Number of Families and One-person Households 1981-1986



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* SOURCE: Canadian Social Trends, Spring, 1989,p. 28.

happiness of the home and the ability of the parentor parents to socialize children. However, single parents may be less able to supervise their children and may face economic hardships which place a considerable strain on the family. While families with two working parents are much less likely to have financial problems, supervision can be a problem in the absence of adequate day care. In addition to contributing to delinquency, family instability may require the police to work more closely with social welfare agencies and schools.

2. Crime may be facilitated by the fact that most houses and apartments are empty during the day, as the occupants are working and their homes lack the guardianship necessary for effective crime prevention.

3. As women have moved into the labour force they have also moved into traditionally male occupations including policing. Women now make up almost 5 percent of total police strength.[18] A number of management issues are raised by the presence of women including the reluctance of men to accept them as equals. As the proportion of women increases, issues such as the provision of day care may become significant.

4. Finally, the trend toward dual-income families has affected the police. Shiftwork and transfers may become problems when a husband and wife both work. For example, in a study of attrition in the RCMP, transfer policy was the most common reason given by female officers who had resigned from the RCMP.[19]

PLANNING FOR THE FUTURE

During this symposium you have been exposed to a great deal of information. In order to make use of this information it will be necessary to incorporate it into a long-range planning process. There are, of course, many arguments against long-range planning. It can be time-consuming and uses up scarce resources. Also, it isn't part of the police culture which means that you have to learn how to do it and how to make use of the results. Police departments, like many other agencies, have been reactive. What planning did go on was typically very short-range. For example, a small sample of U.S. police chiefs studied by Mayo spent more than 50 percent of their time dealing with issues which had a relevant time frame of two weeks or less, and less than 20 percent of their time on issues with a relevance of more than one year. By comparison, a sample of chief executives from other fields spent only 4 percent of their time dealing with current issues and 50 percent on long-range issues.[20]

This focus on issues of immediate concern is no longer sufficient in today's complex world if indeed it ever was. Today's managers have to begin planning for the future and this planning has to begin with a sound analysis of the present. In order to lead the police community into the 21st century, it is necessary to have a vision of what the future will be like and of how the police should respond to that future. The police community was clearly behind in planning its response to the growing demands of racial minorities and as a result has lost some of the power to control policy, as provincial governments and human rights agencies have begun to impose policy changes.

It is important to realize that planning is a process. One cannot develop a plan and try to follow that plan for 5 or 10 years. I recently heard a senior government official say that he didn't believe in planning because the plan always changed. In fact, a major reason for having a plan is to enable an organization to react to change in a timely and effective fashion.

What is needed, then, is a vision of what role and functions you expect the police to play in the future. Once this vision has been elaborated, it is necessary to plan how these roles and functions can best be achieved. While this plan will provide guidance for day-to-day decisionmaking, the whole process must be a dynamic one which is constantly being reviewed.

It is also important to be aware of the fact that planning involves much more than a simple linear process which projects past events into the future. There is a great deal of interaction between trends. An example of this is the linkage between Canada's low birth rate and future immigration needs which has been discussed earlier. Changes in factors such as fertility rates and pressures to emigrate caused by events in Third World countries can dramatically alter the makeup of Canada's population in the next century. Political factors such as the decision to engage in free trade with the U.S., economic factors such as the growth of the service sector, and technological factors such as those now leading us toward an information-based society have an impact on all organizations. A rational planning process will include a careful analysis of historical trends linked with possible futures and possible options for the organization to follow.

Crucial to the process is leadership. According to Louis Mayo "The essential function of the chief executive... is to provide a sense of purpose, ethical content, and direction for all others in the organization to follow. The management of change is the touchstone of chief executive competence and probably the most difficult of all management tasks".[21] This is the challenge which will face Canadian police leaders in the 1990's.

REFERENCES

1. Moore, E.G. and M.W. Rosenberg. 1989. "Population redistribution of the elderly and its impact on services and government financing". Department of Geography, Queen's University.

2. Romaniuk A. 1984. *Fertility in Canada: From Baby-Boom to Baby-bust*. Ottawa: Statistics Canada.

3. Fellegi, Ivan P. 1988. "Can we afford an aging society?" Canadian Economic Observer (October).

4. This change was due to a number of factors including legislation which ended a nationality preference system which favoured European immigrants; a lack of interest among potential immigrants from European countries many of which have very low rates of population growth; and pressure to emigrate from Third World countries which still have very high birth rates.

5. Beaujot, Roderic and J. Peter Rappak. 1989. "The role of immigration in changing socio-economic structures." Population Studies Centre, University of Western Ontario.

6. Since the number of immigrants is set each year by the government, there is a good deal of variation from year to year. For example, in 1975 there were 187,881 immigrants to Canada while in 1985 there were only 84,302. Current plans are to increase the number to 180,000.

7. Balakrishnan, T.R. 1989. "Immigration and the changing ethnic mosaic of Canadian cities." Department of Sociology, University of Western Ontario.

8. Balakrishnan, T.R. 1989. "Immigration and the changing ethnic mosaic of Canadian cities." Department of Sociology, University of Western Ontario.

9. Hylton, John. 1982. "The native offender in Saskatchewan". Canadian Journal of Criminology 24(April):121-131.

10. Siggner, Andrew J. 1986. "The socio-demographic conditions of registered Indians." Canadian Social Trends (Winter): 2-9.

11. Irwin, Colin. 1989. "Lords of the Arctic: wards of the State. The growing Inuit population, Arctic resettlement and their effects on social and economic change". Department of Sociology and Anthropology, Dalhousie University.

12. Forcese, Dennis. "Policing in a Settler Society: Canada and Visible Minorities." Paper presented to the Criminological Association of Israel, June, 1987.

13. Himelfarb, Alexander and James Richardson. 1982. Sociology for Canadians: Images of Society. Toronto: McGraw-Hill Ryerson.

14. Health and Welfare Canada. 1987. Posing the Questions. Ottawa: Health and Welfare Canada.

15. Moore, Maureen. 1989. "Dual-earner families: the new norm." Pp.24-26 in Canadian Social Trends. Ottawa: Statistics Canada.

16. Statistics Canada. 1984. Current Demographic Analysis. Ottawa: Minister of Supply and Services.

17. Marcil-Gratton, Nicole. 1989. "The impact of new adult lifestyles on children in Canada". Departement de demographie, Universite de Montreal.

18. Statistics Canada. 1988. "Police personnel in Canada - 1987." Juristat. Ottawa: Statistics Canada.

19. Linden, Rick. 1985. "Attrition among male and female members of the RCMP." Canadian Police College Journal 9(1):86-97.

20. Mayo, Louis. 1985. "Leading blindly: an assessment of Chiefs' information about police operations."

Pp.397-415 in William A. Geller (ed.), *Police Leadership in America: Crisis and Opportunity*. New York: Praeger.

21. Mayo, Louis A. 1985. "Leading blindly: an assessment of chiefs' information about police operations." Pp. 397-417 in William A. Geller (ed.), Police Leadership in America: Crisis and Opportunity. New York: Praeger.

DEMOGRAPHIC CHANGE AND ECONOMIC DISPARITY: THE COMMUNITY CHALLENGE

REPORT OF THE WORKING GROUP

The working group that met to discuss this topic, was composed of individuals from every region of Canada, and included Chiefs of Police of major Canadian cities, as well as Chiefs from smaller centres, academics and university professors in the fields of Political Science and Sociology, the Public Complaints Commissioner from Metropolitan Toronto Area, a Police Commission member from an Ontario regional centre, and an outstanding and distinguished police expert from the United Kingdom. The members of the working group were asked to use their knowledge and expertise in three ways:

(A) To assess known information, trends, and possible future developments, as they relate to demographic change and economic disparity in Canada;

(B) To suggest policy relevant to demographic change and economic disparity in Canada and addressed to the future needs of the police organization, the local community, and the State (higher levels of government).

(C) To delineate policy linkages, and implications, between the various levels with particular attention to areas of agreement or conflict.

(A) Assess known information, trends, and possible future developments, as they relate to demographic change and economic disparity in Canada.

Under this heading a number of questions or areas of concern were discussed:

(1) What will be the impact of present and projected immigration policies and practices?

It was the consensus of the working group that this must be considered on a regional basis throughout Canada; i.e., whereas Toronto, Montréal and Vancouver will be significantly affected by such policies and practices, smaller centres will remain relatively stable and will not be so affected. An exception might be smaller centres immediately adjacent to our major cities; for example Peterborough, where immigrants may gravitate due to the prohibitive housing costs in Toronto. Areas outside Vancouver and Montréal may be similarly affected.

The realistic assessment is that Canada is not able to integrate an in-migration of 600,000 persons per year, which was the figure stated by the presenter, Dr. Rick Linden, as necessary to achieve a 1% growth rate per year within Canada. We have to accept; however, that the immigration levels will be somewhere above the current 150,000 per year.

(2) Impact of global population changes and pressures on Canada.

Some Third World countries are experiencing 2% population growth per year. This means that population will double in 20 years within these countries. The results of this will be pressure on Canada to accept larger numbers of immigrants from such countries. This underscores the need for more long range planning, and programs designed to attract professionals and skilled immigrants. There is an impact on police as well, in that we will require police managers to engage in careful planning in order to be able to adapt quickly and effectively to the changing nature of our communities.

(3) Trends and fertility, birth rates and death rates.

and

(4) The demographics of an aging society and aging institutions.

It was generally agreed that birth rates are down within Canada, or at least have reached a plateau. At the same time, death rates are such that people are living longer and there are now more seniors than ever before. Such trends impact on police in a variety of ways:

(i) Police administrators must consider programs aimed at safeguarding seniors from criminals whoy prey on the elderly.

(ii) There will be a reduced tax base with the increased number of seniors so police will be competing for shrinking financial resources. This we have seen at the present time with 0% budget increases, etc.

(iii) The abolition of mandatory retirement within police forces is now a reality; for example, the Edmonton Police Force is not forcing anyone to retire at age 60. Potentially, this means that inventive and innovative measures will be required to motivate a work force faced with fewer promotional opportunities. The reality of this is that we will see more and more career constable positions. As a result of this phenomena, we could also see an increased use of contracts for non-union ranks; for senior police officers and executive level positions. It was also generally agreed that if seniors continue to move to developments policed by private security officers, they will object to paying for public policing. This will impact on public police resources and the police fiscal situation, as well as the private security industry.

(5) The racial and ethnic composition of Canada in the coming decades.

Canada will continue to change, but on a regional basis, and the country cannot be considered as a whole. This was identified earlier where it was agreed that immigration will affect Canada on a regional basis. For example, the populations of Toronto, Vancouver, and Montréal will see a significant increase in their Southeast Asian population resulting in higher proportions of such visible minorities in these cities.

We may also see a backlash against Canada's immigration policies in some cases. For example, concern has been expressed by individuals in the area of the University of Western Ontario about the number of foreign students at the university. This is due to the fact that on weekends most of the students on campus are foreign students who do not have families in the area. As a result, persons who visit the campus, see the foreign students and feel that they make up the majority of the student population. This has caused some backlash against the immigration policies, with people expressing the view that Canada is allowing too many foreign students into the country.

(6) The issues and conflicts generated by linguistic and cultural diversity.

The working group agreed that the national will is stated in federal immigration papers and policies, and that Canada will continue to welcome immigrants seeking refuge from oppressive regimes or governments. It was pointed out that we are a long way from the United States' situation, where ghettos abound in major cities. Our social ethic will simply not allow us to accept that specific groups are not entitled to improve their station in life.

In practice however, numerous enquiries and commissions, such as Aboriginal inquiries underway in Alberta and Manitoba, focus on the effects of the problem, rather than on the root social causes of such problems. It is agreed that in order to deal effectively with the problem, we must address the root causes, rather than the effects.

(7) Changes in class structure within Canada.

We have seen that technological advances have resulted in the creation of fewer skilled positions with an accompanying increase in the number of lower paying service sector jobs. This has contributed to a change in the class structure within Canada in that the upper and middle classes are being eroded and there have been increases in the lower-middle class and the lower class in general. Another indicator is found in a recent publication which indicated that with free trade, executives in Canada must have their salaries doubled in order to gain parity with their U.S. counterparts. This will cause changes in the buying power of individuals within Canada, and will contribute to the trend towards greater class polarization. The consensus within the working group however, was that these are extremes and are not truly representative of the Canadian experience or attitude. It was felt that while subtle and inexorable changes will occur towards greater class polarization, these will be felt very slowly.

(8) Will police be able, willing, or even asked to provide universal services?

Canada is committed to the concept of multiculturalism. The police, it is felt, are responsive to such community needs and are providing language services as required. In addition, police hiring trends are reflecting the multicultural and ethnic diversity of our regions. We agree that the police are willing, able, and definitely will be asked to provide such universal services, and that this will be reflected in increasing numbers of visible minorities and ethnic minorities within the police forces across Canada. The matter of increasing seniors population was also discussed. One member of the working group said that his force has adopted the novel approach of using seniors as volunteers to assist in presenting community programs. We may see increases in such approaches in the future.

(B) Suggest policy relevant to demographic change and economic disparity in Canada and addressed to the future needs of the police organization, the local community, and the state (higher levels of government).

(1) The Police Organization.

(i) We must re-consider our recruiting policies and procedures. Perhaps it is time to look at our standards to assess whether they are relevant today. It is imperative that our police forces reflect the diverse make-up of our Canadian society.

(ii) Promotion systems within police forces must be restructured. Pay schemes must also be restructured in response to aging trends within our police departments. It is very difficult to offer incentives in the form of promotion to newly hired individuals, since we will find in the future that there are more and more career constables with little or no opportunity for promotion.

(iii) We must also set up strategic planning sessions to develop policies with respect to recruiting and promotion programs for ethnic groups or individuals. We must ensure that our supervisory and senior ranks are reflective of the multi-cultural make-up of our regional communities.

(iv) The change in nature of our society dictates that new and improved multi-cultural training be offered within our police forces. Members must be familiar with the customs and values of the various ethnic and visible minority groups within our society.

(2) The Local Community.

There is universal agreement within the working group that it is absolutely imperative to involve the community in any policy-making decisions.

(i) We must re-think our programs and the manner in which policing is carried out, so that our police forces can become more responsive and closer to our ethnic communities.

(ii) In furtherance of our objective to involve the community in policing matters, it was agreed that we must set up community advisory groups to break down barriers between police and various groups within our communities. Only then can we be seen to be in touch with the community and willing to reach out and listen to what citizens want from their police forces.

(3) The State (Higher Levels of Government).

(i) Canadian police leaders must develop and clearly state what values and ethics they are operating under. They must ask their political masters whether they agree with this philosophy and whether programs reflecting such values are appropriate. This will require our politicians to make a commitment and it may be necessary to lobby for attitudinal change on their part.

(C) Delineate policy linkages, and implications, between the various levels with particular attention to areas of agreement or conflict.

(1) What will be the role of the community in determining policy?

As stated earlier, it will be absolutely essential, if we are to be responsive to our communities, that the members of those communities be involved in determining policy within our police departments. Resident advisory groups within some communities, to advise politicians, or perhaps more narrowly, groups that are involved directly with police forces, are examples of what is required. Such concepts must be expanded if our police forces are to be responsive to our communities.

(2) Where might we anticipate conflicts between police, community and state?

Members of the working group were of the opinion that further conflicts between police and various ethnic and minority groups within Canada are possible. As a result, a number of commissions of enquiry have been set up to review practices within police departments. We are hopeful that such enquiries will lead to the recognition on the part of police forces that our tactics and methods of dealing with minority groups must be changed. If we fail to change, we can most definitely anticipate further conflicts between the police and the various groups within our society. This has grave implications for the police and society as a whole, and the logical response in order to prevent such confrontations is for police forces to change.

CONCLUSIONS

In the future we will most definitely see further demographic change within Canada, and within our police departments as well. We will also see a change or a shift in the economic power within Canada due to such demographic change. Most importantly, regional differences must be considered in that what affects one area and what works in one area in terms of policy will not necessarily work in another area of Canada; it will depend on the ethnic make-up of the community itself. It is absolutely essential that there be long-range planning on the part of police leaders and police forces if we are to adapt to the inevitable changes within Canadian society.

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THE FUTURE OF DRUG CONTROL EFFORTS

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Introduction

Recent history has shown that the U. S. public's concern with drug abuse runs in cycles -- first mounting concern and feverish activity followed by a slackening of interest and quiescence until another illicit drug becomes widely available. In the 1960s and early 1970s marijuana, and heroin were major concerns. Though marijuana continued to be abused in large quantities, and the number of heroin addicts peaked and then stabilized at 350,000 to 500,000 people, the publics concern about the problems created by these drugs abated. Though police and others in the criminal justice system continued to have to deal with the consequences of heroin addiction, little was said about this problem throughout the later 1970s and early 1980s. Now in the later 1980s the public's concern about drug abuse once again has been aroused. The United States is currently in the midst of a cocaine crisis. Assuming the public does not lose interest in cocaine abuse, as it has with other drug problems, before this problem has been addressed, what is the appropriate national strategy for managing problems stemming from this drug?

The theme of this paper is simple; illicit drug abuse, of one form or another, has become a permanent, integral, and serious problem of society. In the recent past, drug use has been considered transient and separate from our mainstream cultures. Use of illicit drugs is too common for society to do this any longer.

Three corollaries follow from this thesis. First, national strategies have reached the limits of their effectiveness; substantial increases in resources to these efforts will only bring marginal returns. Drug problems are primarily local problems requiring local solutions.

Second, traditional anti-drug law enforcement, relying on special units and covert operations, is inadequate. These tactics were designed to combat small transitory problems and cannot control drug abuse rooted in the daily functioning of neighborhoods.

Third, the future of drug enforcement will lie in the full involvement of entire local police forces in collaboration with all local government agencies, with support -- not leadership -- from federal agencies. If drug abuse is a social problem, then all social service agencies must be involved. If it is a local problem then leadership must be local.

The views expressed in this paper are based on observations of policing practices and anti-drug efforts in the United States by a staff member of the Police Executive Research Forum (PERF), a membership organization of chief executives leading police and sheriffs' agencies throughout North America. Thus, these remarks must be treated with great caution by Canadians. The experiences of Philadelphia, Atlanta, Tampa, Tulsa, and San Diego, to say nothing of Washington, D.C., Detroit, Dallas, and Los Angeles, are only somewhat related to drug problems in Halifax, Quebec, Montreal, Toronto, Edmonton, Calgary, and Vancouver. To Canadians, the news of policing inner city USA often must sound like reports from some primitive land having nothing in common with policing north of the border.

Still, drug use seems to be of increasing concern in Canada (See for example Stroud, 1989) and there is much that Canadians can learn from the experiences of policing a drug culture in the United States that, with appropriate translation and alterations, may be of some use. Conflicts between police and poor minorities are all too common in both of our countries. The links between drug use and income are similar. There is a common rhetoric in our debates over the utility of social programs, balanced budgets, and stricter laws and enforcement. And there are shared beliefs among many police officials on both sides of the border about the future direction of policing itself.

Drug Problems

Drug problems seem to be insurmountable. Every day in the news, stories of killings, woundings, addicted parents, children, and newborns confront us in an unending stream. The numbers of arrests and convictions and the amounts of drugs seized continue to spiral upward with no end in sight and no results to show for it. Threats of injury and death, as well as corruption, give us concern for the health of the police profession.

The problems of drugs are overwhelming the capacity of the criminal justice system to cope. Drug and drug-related problems create more calls for police service. Criminals on drugs commit more crimes than when they are not using drugs (Gropper, 1985). Drugs, and crack cocaine in particular, are becoming associated with increases in various forms of domestic violence. Citizens call the police to report noise, traffic congestion, and other concerns associated with street drug markets.

From 1977 to 1988 the number of drug-related arrests per 100,000 people increased by 50% (FBI, 1977-1988). The massive increase in drug crime arrests is placing even more strain on already overcrowded jails and prisons. In the United States, 74% of the state prison systems are under some form of court order to improve conditions and reduce crowding (The National Prison Project, 1989). State prisons are filled from 107% to 123% of capacity and 3% of state prisoners are being held in local jails because their is no room for them in penitentiaries. The federal system is no better. Its prisons are operating at 132% to 172% of capacity (BJS, 1989). Recently it was estimated that the Commonwealth of Virginia will have to build a new prison every year until the end of the century to keep up with increasing demands for prison space (Washington Post, 1989).

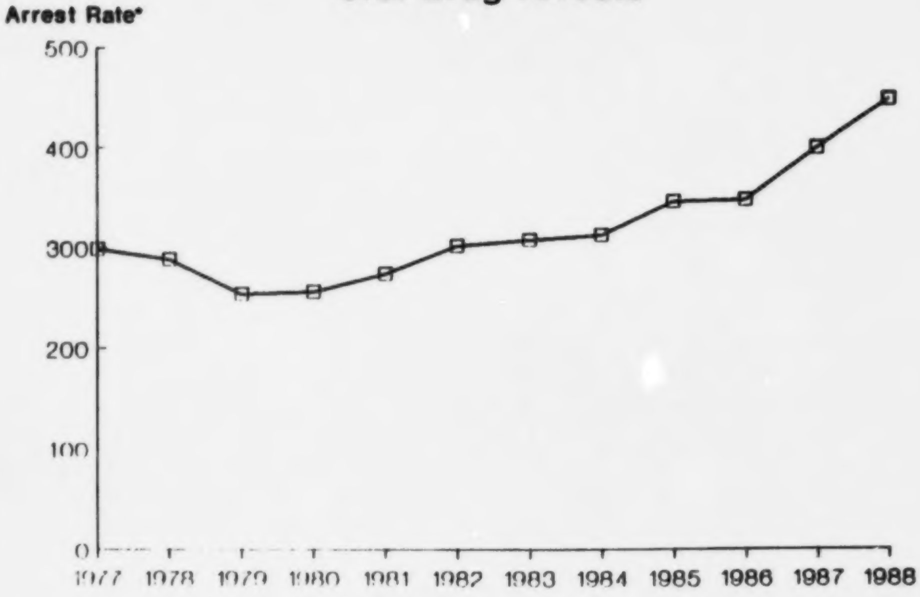
Treatment facilities in many cities are inadequate; there are not enough spaces available, facilities are geared toward alcohol and heroin treatment, not cocaine. Further, treatment merely consists of abstinence and counseling.

There are reports of schools, housing projects, and neighborhoods that are no longer under the control of teachers, residents and local government, but are terrorized by armed young men trafficking in cocaine and other drugs.

Use of illicit drugs in the United States is widespread. Every year, since 1975, the National Institute of Drug Abuse (NIDA) funds the Institute of Survey Research at the University of Michigan to conduct a representative national survey of high school seniors to determine developing trends in drug use. The survey results suggest that 40% of the U. S. population has tried cocaine by age 27 (Johnston, O'Malley, and Bachman, 1988). Of the population over age 12 in 1985, over 15% had used marijuana or hashish in the year prior to the survey and over 6% had used cocaine in the past year. Of those aged 18 to 25 years of age in 1985, over 16% had used cocaine in the previous year. Among this same age group, whites (28.3%) were twice as likely as blacks

figure 1

U.S. Drug Arrests



Source: FBI, 1977-1988

* per 100,000 people

(13.4%) or Hispanics (15.0%) to report that they had used cocaine sometime during their life. And cocaine use is more likely to be associated with the less educated and unemployed. People 18 to 25 years old without a high school diploma were more likely to report cocaine use in the last month than those with more education. Indeed, as educational attainment rises, frequent use of cocaine falls. The unemployed 18-to-25-year-olds in 1985 had a rate of frequent cocaine use of almost 14%, compared to 7.6% for full-time employees in the same age group (NIDA, 1988).

As a consequence of a perceived drug crisis, particularly with regard to cocaine, there has been a massive push to do something -- anything. In Washington, national policy discussions for reducing drug abuse revolve around the relative merits of strategies to reduce drug supply and drug demand.

Anti-Drug Efforts

Supply theory suggests that if we choke the flow of drugs from their sources the problem can be reduced. Potential users will not be able to find suppliers and seasoned users will have to give up their habits for lack of the substance.

Demand theory suggests that we can reduce the drug problem by convincing people that drugs are harmful to their health and general well-being. Potential users will seek other, presumably more healthy, ways to get their kicks and habitual users will seek treatment and return to nondrug-dependent life styles.

On the periphery is a debate on the merits of drug decriminalization. Exactly what this approach would entail is unclear. But, the general theory seems to be that much drug-related crime is caused by the fact that illegal drugs are more expensive than legal drugs, and that adverse health affects of drugs can be more easily addressed if drug use is not hidden for fear of arrest and punishment. Though advocates of this position seem to be growing in numbers, it is highly unlikely that this group will have any substantial or long-term impact on national policy. The public resistance to needle exchange programs is a dramatic example of widespread antipathy to any forms of drug decriminalization (See Drucker, 1989). Accordingly, drug decriminalization will not be a focus of this paper.

Drug Supply Reduction Strategies

There are a number of supply reduction strategies currently being applied internationally, nationally, and locally:

Source control. This strategy involves working out agreements with drug exporting countries to eradicate source crops and stem production and export. In the 1970s the United States and Turkey signed an agreement which was successful in cutting down the flow of heroin from this country.

Input chemical control. Restricting the sale of chemicals needed in the production of illicit drugs is another international strategy. For example, because ether is used in the manufacture of cocaine; attempts have been made to cut the flow of ether from the United States and Europe to drug processing labs in South and Central America. Without these chemicals, drug processing becomes more difficult or impossible.

Attacking upper level drug traffickers. Complex international investigations have been undertaken to bring the highest level traffickers in drugs to trial. The capture, prosecution, conviction and sentencing of Carlos Lehder was considered a major success. Presumably, removing "Mr. Big" paralyzes an entire drug production and trafficking network, thus reducing the supply of drugs entering the country.

Border Control. The United States is putting a great number of resources into sealing borders against drug dealers. Large balloons, known as aerostats, equipped with radar that can peer miles into Mexico and detect approaching aircraft are being installed along the southwest U.S. border. Congress is demanding greater participation from the military in the use of sophisticated surveillance and command and control aircraft and ships to detect traffickers in the Caribbean. Stepped-up enforcement at major points of entry and the use of drug courier profiles are being used to curtail drug smuggling.

Asset seizure and forfeiture. These efforts are designed to take profits from drug dealers and are likened to a 100% tax on drug traffickers' profits. Possibly, if the government can take all that traffickers have gained through illegitimate enterprise, dealers will switch to a business with a lower tax rate -- one that is more socially acceptable.

Controlled buys and local covert enforcement. At the local level, police agencies attempt to control supply by making cases against mid- and low-level dealers. The theory behind this strategy is similar to federal efforts to apprehend and prosecute upper-level traffickers and producers.

Sweeps and reverse buys. Also at the local level police agencies are increasing the use of overt means for drug control: sweeps of blocks infested by dealers in which, one PERF member confided, "everything that moves on two feet, and some on four, is arrested." These efforts are designed to disrupt local drug markets by making it harder for dealers and users to meet and transact business.

Evaluating Supply Reduction Strategies

How effective can these strategies be? There is not a great deal of evidence one way or another about their efficacy, but there are some reasoned judgements that can be drawn from what has happened in similar circumstances and from the scant research that has been conducted.

Source control. When the United States negotiated with Turkey to reduce heroin production, the supply of heroin did not end. Instead, the sources were displaced to Mexico and countries in Southeast Asia. It is not inconceivable that if production of cocaine in Peru and Bolivia were stopped that shortly after it would be produced in other countries around the world. There are certainly other climates where the coca leaf can be grown.

Input chemical control. Cutting off chemical supplies, like ether, is also unlikely to make substantial inroads into the production of cocaine. There are multiple sources, and new sources can be established. Ether is derived from oil and a product of the petrochemical industry in which a number of countries around the world participate. In South and Central America, Venezuela and Mexico are major producers of oil. So it is foreseeable that alternative sources of ether can be developed by enterprising business people and chemists who find profits from the drug trade attractive.

Attacking upper level drug traffickers. Attacking upper level dealers also has significant inherent limitations. Not only are these people difficult to capture, but once caught and convicted there is no reason to believe the vacuum they leave will remain unfilled. There are many who would be more than happy to step into their shoes.

Indeed, probably the only way many of these men could be captured, tried and convicted is through the use of confidential informants -- informants who may assist law enforcement authorities only to gain control over a drug empire.

Border Control. Democracies cannot seal their borders. Few citizens would want to live in a society that was able to restrict access in the ways that would be required to prevent the entry of a substantial portion of the drugs. Estimates by the RAND Corporation for the U.S. Department of Defense suggest that the impact on drug supplies from closer monitoring of aircraft would be quite small (Reuter, Crawford, and Cave, 1988). The General Accounting Office (GAO) came to a similar conclusion (GAO, 1989).

Asset seizure and forfeiture. Asset seizures cannot be a 100% tax. Unlike income taxes, sales taxes, or property taxes, there is only a small likelihood that the tax will be imposed. Further, traffickers are becoming increasingly savvy in hiding their assets. Despite the claims that asset seizure and forfeiture statutes deter drug dealers, there is no evidence to support these assertions.

Controlled buys and local covert enforcement. Though this has been a standard tactic for years, there is no evidence that these investigations result in more than a temporary decline in drug availability. The same factors that mitigate the effects of investigations of high level traffickers operate at the local level, minus the international intrigue. Further, removing a local dealer can precipitate violence, as groups of traffickers fight for the newly available drug market.

Sweeps and reverse buys. Similarly, sweeps produce a large number of arrests, but the little evidence that exists suggests that this strategy fails as often as it succeeds (Kleiman, 1988; Zimmer, 1987; Hayeslip, 1989). The successes that are achieved are often fleeting (Barnett, 1988). The costs of maintaining these operations can be quite high. And it is difficult to protect the civil liberties of neighborhood residents (and offenders) who may inadvertently be caught up in these operations (Bouza, 1988). Experimental evidence suggests that local residents do not notice any positive effects, and their fear of crime remains unchanged (Uchida, 1989).

This evaluation suggests that substantial increases in resources devoted to supply reduction efforts alone, especially at the national level, are unlikely to have much impact on drug problems. If the price and purity of cocaine sold the street is a measure of the collective impact of these efforts, the current strategies have not had much impact on the availability of cocaine. Between 1985 and 1988, the retail purity of cocaine in the United States increased 27% to 70% purity, while retail prices for a gram of cocaine fell by 32% to about $70 (NNICC, 1989). There is, of course, much variation in these estimates. But clearly, a user can get much more for his money as supplies available to users increase.

This is not to say that supply strategies are useless. The situation would surely be worse if supplies of drugs were not restricted in these ways. Some of these strategies, like asset seizure, are relatively new and with increased experience and better laws, police officials may be able to use them more effectively. Further, there are many other reasons, besides supply reduction, that justify these strategies. Going after high-level dealers and seizing their assets, for example, enhances citizens' feelings of justice: that no one is above the law and that people should not be allowed to gain from illegal behavior. Still, these tactics must be seen for what they are -- important but small tools in what is likely to be a long and protracted local effort to manage drug problems.

Drug Demand Reduction Strategies

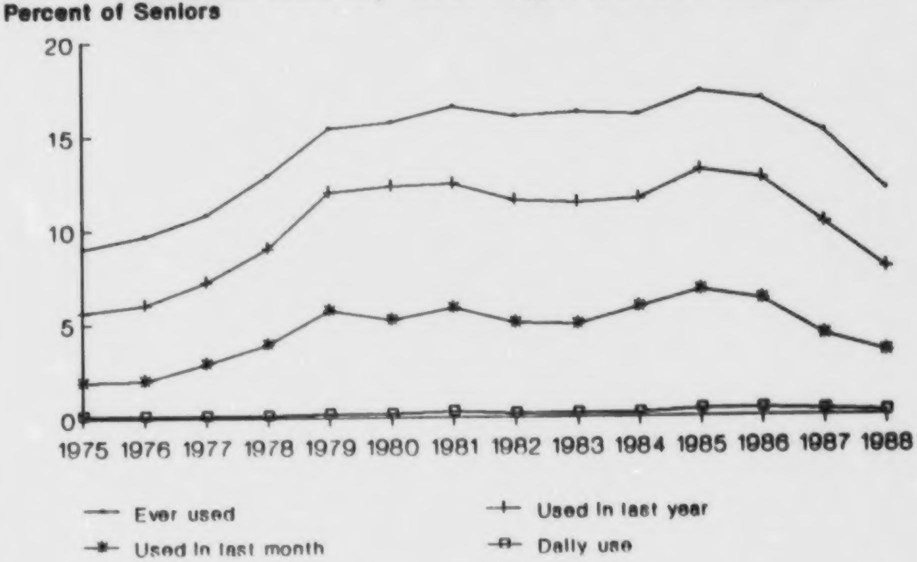
The other national approach to reducing drug abuse involves demand reduction strategies. Advocates of this approach argue that until people stop demanding drugs there will never be much headway in controlling drug abuse. This seems like a reasonable assumption and a number of tactics are used to further this approach: educating the public and teaching our youth to "Just Say No", stigmatizing users, and providing rehabilitation services.

The NIDA sponsored survey of high school students suggests some positive developments. From 1975 through 1985, the proportion of seniors who had used cocaine in their lifetime increased 88% (from 9% to 17.3%). But from 1985 through 1988, the figures declined from 17.3% to 12.1%, a 43% drop. Further, the proportion of seniors who had used cocaine in the previous 30 days declined by 49% (5.8% to 3.4%) from 1985 through 1988 (NIDA, 1989).

These findings suggest that the next generation of kids may be less drug dependent and that demand reduction

figure 2

Cocaine Use by U.S. High School Seniors



Source: NIDA, 1989

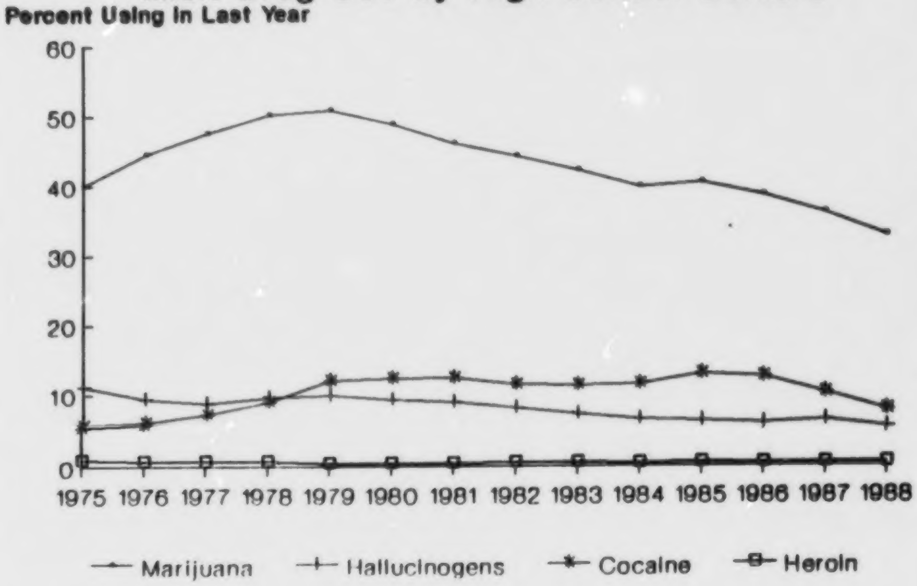


figure 3

Illicit Drug Use by High School Seniors

Source: NIDA, 1989

may be working. On average this appears accurate; the pattern is consistent across a number of drug types and the downward trend is steady, without a single upsurge.

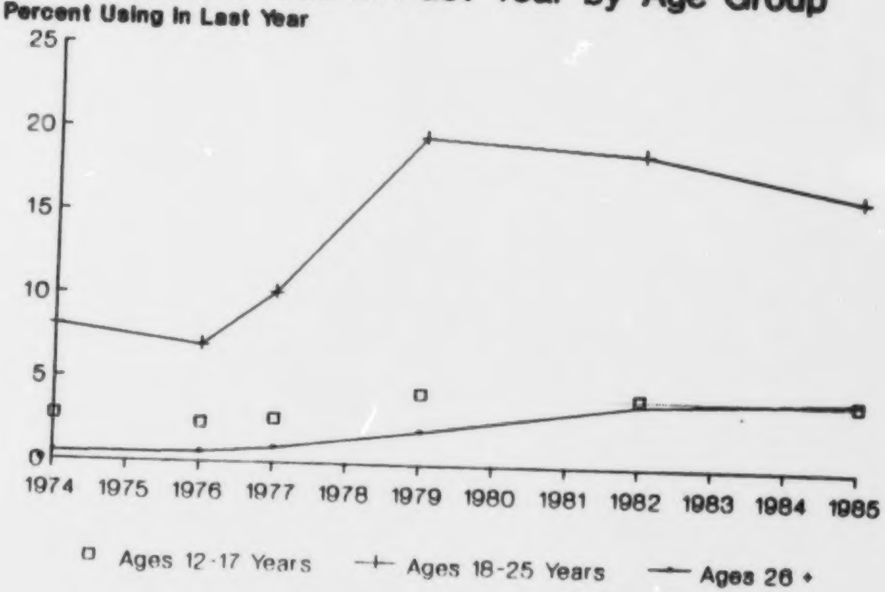
This is good news, but it must be approached with some caution. Though youth may be showing decreasing interest in cocaine, users from previous high school graduating classes may still be using cocaine. For example, the class of 1985 may still be consuming cocaine at their record-breaking levels four years after graduation. Yet, these trends indicate that there are fewer new users joining the using population. In other words, the high school senior surveys only show that the cocaine using population is increasing at a slower rate. But for cocaine use to decline, users who are in their twenties, thirties, and forties also will have to reduce their consumption of this drug.

In addition to the survey of high school seniors, NIDA sponsors periodic surveys of a representative sample of the U.S. teenage and adult population to determine trends in drug abuse across all ages. This data may help reveal overall cocaine use trends. Figure 4 shows that cocaine use by people aged 18 to 25 may be declining. This graph seems to show that cocaine abuse by teenagers, 12 to 17 year old, may also be declining, but the trend is far from clear. And people who are aged 26 and over show an upward trend in cocaine use, though this may be leveling off. Figure 5 shows that for people aged 18 to 25 use of illicit drugs in general may be on the ebb. The trends shown in figures 4 and 5, unfortunately, stop in 1985, the year in which high school seniors reported the highest cocaine abuse rates. So whether cocaine use by all ages will decline, or whether a generation will continue to use cocaine throughout their lives cannot be determined at this time.

There is another reason to suspect the trends from the high school senior surveys. Inner city high schools serving the poor have higher dropout rates than high schools serving higher income groups. The youths taking drugs are not in school to be surveyed. The researchers who conducted the high school survey report state: "We do know from our own previous research, as well as the work of others, that dropouts have prevalence rates for all classes of drugs substantially higher than the in-school students." (Johnston, O'Malley, and Bachman, 1987, p. 259) In Atlanta, for example, the dropout rate in 1988 was 44%. And while school liaison officers report low levels of drug problems in schools, there are severe drug problems involving youth in some surrounding neighborhoods (Huguley, 1989).

figure 4

Cocaine Use In Past Year by Age Group

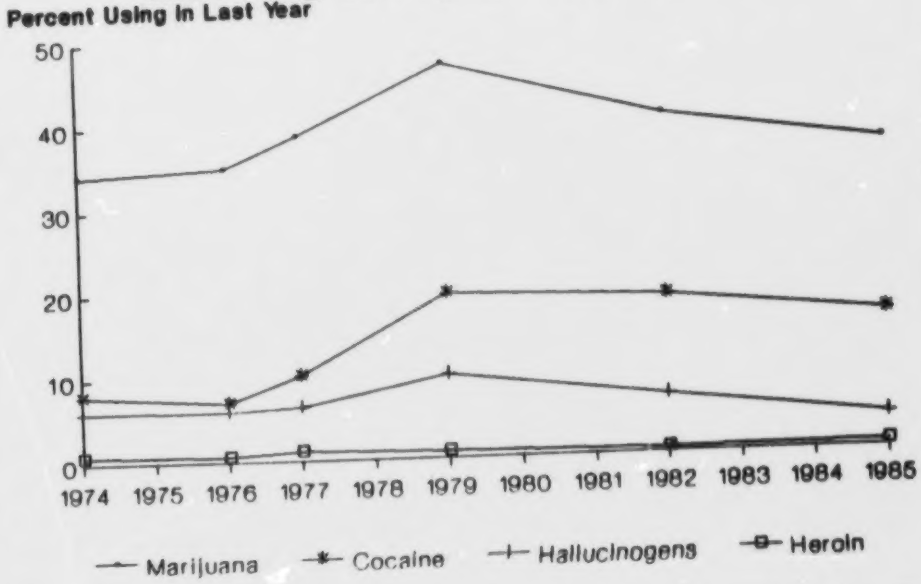


Source: NIDA, 1988

* 1974 estimates for 26+ are less than .5%.

figure 5

Illicit Drug Use by 18 - 25 Year Olds



· In 1982 heroin use was less than .5%.

Source: NIDA, 1988

A likely impact of demand reduction campaigns on different segments of the population can be determined in part by looking at what has happened with the consumption of tobacco. Users of this legitimate drug have been under intemperate public pressure to restrict their consumption. NIDA's household surveys reveal the impacts of this pressure. From 1972 through 1985, there has been a 12% decline nationally in the number of persons 18 to 25 years of age who reported smoking cigarettes in the month prior to the survey, from 48.8% to 36.8% (NIDA, 1988). These statistics suggest that demand reduction campaigns work for some segments of a community. Unfortunately, the same surveys reveal that tobacco smoking is more likely among the less educated and the unemployed (NIDA, 1988). As shown earlier, this pattern is similar to that found in the use of other drugs, such as cocaine.

In other words, public campaigns to reduce demand for drugs may work, but they do not work equally well for all parts of society. Messages persuasive to the middle-class and the educated may not affect the poor and those who did not graduate from high school. Casual users may be easier to persuade to give up drugs than steady users.

Though use of almost all illicit drugs seems to be on a slow but steady decline (NIDA, 1988; Johnston, O'Malley, and Bachman, 1988) the poor and less educated may be disproportionately represented among users. And it is among relatively small groups, that are less likely to be found by survey researchers, that one finds the most serious harm from drug abuse. For example, a study conducted in the District of Columbia found that over 80% of the murders in 1988 were drug-related and most victims were killed in their own neighborhoods. Not surprisingly, murder patterns and drug dealing report patterns were closely associated with low income census tracts (Office of Criminal Justice Plans and Analysis, 1989).

Some argue that the rise in drug usage in impoverished neighborhoods is linked to the development of an underclass in major urban areas (Lemann, 1986). This view is supported by anecdotal observations of police anti-drug activities. For example, the Tulsa Police Department found that poor urban black males are being arrested for drug offenses out of proportion to their numbers in the city's population, and the arrest trend for this group in Tulsa is increasing (Tulsa Police Department, 1989). The existence of a stable "underclass" in major U.S. cities (Wilson, 1987; Hughes,

1989) is debated, but that poverty in the United States is becoming increasingly concentrated in urban centers is not. It seems likely that drug abuse will also become increasingly concentrated even as the overall trend in drug abuse declines.

The concentration of drug abuse among the poor and less educated is compounded by a crisis in drug treatment. The number of illicit drug users seeking treatment, either voluntarily or by court order, is well beyond the number of treatment facilities available (Reuter et. al., 1988; Huguley, 1989). The demands for treatment may be greatest among the inner city poor. Yet the number of publicly-supported beds is limited and the poor cannot afford the private treatment available to the middle class. Additionally, treatment facilities are more likely to be oriented to aiding alcoholics and heroin addicts than crack cocaine users (Reuter et. al., 1988). Medical science has developed proven techniques for treating alcoholics. Heroin addicts can be maintained on methadone. But there are no therapeutic chemical substitutes for cocaine.

It seems likely that the most obvious and serious impact of drugs will be increasingly among those who cannot be reached by mainstream social pressure to stay off drugs and who cannot afford the treatment to kick the habit. Though drug problems will plague all segments of society, they will become increasingly concentrated in poor neighborhoods comprised of a disproportionate number of residents who feel isolated from society at large. In short, national demand reduction strategies are unlikely to affect important segments of society.

Strategic Options

The very low marginal effectiveness of supply reduction and the incomplete impact of demand reduction leaves society with three options.

The first option is to redouble our current efforts at supply reduction. One might argue that these strategies and tactics do not work that well, but they are all that are available and so should be more vigorously employed. Maybe they were not applied intensively enough, often enough or in the right way. Further, as the public at large is turning away from drugs, additional national efforts to decrease drug use cannot be harmful.

The second option is for society to ignore the problem -- write off the users. Proponents would say that supply reduction efforts do not work and drug use is declining among most segments of the population anyway. So, drugs are really the problem of the underclass. As long as drug users are contained, resources can be more effectively allocated to other concerns. Police efforts will be devoted to keeping the drug problem from spreading to society at large.

Though writing off the users is not the intention of the drug decriminalization advocates, it is the likely outcome if decriminalization does take place. Advocates of this approach assert that enforcement would be replaced by more effective treatment and prevention programs. But in the United States, the history of the public and their elected officials following through with such programs once decriminalization takes place is not encouraging. When the mentally ill were deinstitutionalized, a network of community based outreach programs was to be put into place. This network was never fully implemented for those patients with low incomes or without family members to assist them. One result has been that many of the deinstitutionalized mentally ill are homeless. In the United States, attitudes antagonistic toward welfare and treatment are likely to conspire against any effective follow-up to drug decriminalization, especially if it costs money. Police will still have to handle the effects of drug problems but without any public commitment to do anything long-lasting.

The third option is to treat the drug problem as a very long-term, if not permanent, complex set of problems. This option focuses on the places where the harm from drugs is located and on the groups directly impacted by drug abuse. Since the characteristics of these places and groups will vary, anti-drug strategies often will be unique and small scale. This requires anti-drug strategies to be formulated locally, not nationally. But even local strategies will have to be extremely flexible to meet the peculiar needs of different neighborhoods and vulnerable populations, and to be able to address changes in drug use preferences and substance availability. And because drug abuse will not be eliminated, like crime control in general, the objective will be to manage drug problems, minimize harmful affects and reduce further spread.

The United States will probably take all three options: redouble, ignore, and manage. Currently, anti-drug efforts are being redoubled. Politicians and law enforcement officials are calling for more officers and prison space. Like the demand for the military to help patrol our borders, these are calls for expensive strategies that are only marginally effective. Option two (ignoring the problem) is likely to take over quickly, within the next several years, if not sooner. As tax payers realize that the expense of redoubled efforts is not achieving their excessive expectations and that the nonminority middle class is relatively insulated from the most serious drug problems, or can easily become so, they will decrease their support for anti-drug efforts.

The third option requires taking a long-term approach to managing drug problems, and it is upon these strategies that the remainder of this paper will be dedicated. This strategy focuses on the harm caused by drug use and trafficking at the local, neighborhood, and family level. This approach requires that more than just the police become involved. Police must create alliances with every other local government agency to address problems. These other agencies must see drugs as a problem that imperils their missions, and a problem which they can help manage. Local government must approach it as if their commitment is for the long haul. National efforts should be created to bolster these efforts, but are necessarily secondary.

Focusing on Local Harm

Though illicit drug use is on the decline among most groups, it is still widespread. The harm created by drugs is almost entirely at the local level. Most drug-related violence occurs in neighborhoods as the result of street market battles, bad deals, ripoffs, or drug-induced fits of rage. Medical emergencies traced to drug abuse are also local problems. Similarly, children do not get involved to any large extent in international drug smuggling schemes or mid-level dealing. It is in local housing projects and low income neighborhoods that youth are induced to aid low level dealers to protect their markets. The crime committed by drug abusers to support their addictions is local: burglaries, larcenies, and robberies. By drawing attention to the specific harms created by drug abuse greater headway may be made in addressing drug problems.

The Police Executive Research Forum (PERF) has been experimenting with such an approach to drug enforcement since 1987. As part of a Bureau of Justice Assistance (BJA) contract, PERF is working with police agencies in Philadelphia, Atlanta, Tampa, Tulsa, and San Diego to have patrol officers, detectives, and drug investigators address drug problems. This project is part of a much larger effort to change the nature of police work from merely handling calls to addressing underlying problems, known as a problem-oriented approach to policing (Goldstein, 1979; Eck and Spelman, 1987). The experiences of these five cities form the basis for what may become the future of anti-drug efforts (PERF, 1989).

To focus on harm at the local level, a number of changes in how drug problems are currently handled will need to be made in police departments, in city government management, in local statistics gathering, and in national efforts to support local policies.

Police Anti-Drug Efforts

The scale of drug problems indicates that special units can no longer be used as the principle police tool for controlling drugs. This is no less true for drug education efforts than it is for enforcement. When 40% of U.S. residents under age 28 have used cocaine, it is clear that this is too massive a problem for special units.

Covert anti-drug efforts at the local level make some sense when the trafficking and consumption of drugs is on a relatively small scale and there are no social pressures changing the market. Specialized drug investigators can force drug traffickers to keep their activities concealed and therefore at a lower level. But once dealing and consumption reach high levels, there is too much work for special units to be effective. Further, long-term increases and decreases in the availability and use of drugs is not responsive to these types of enforcement efforts.

Under conditions of large scale use and trafficking, drug problems must be a major concern of all parts of police agencies. As the backbone of a police agency, the patrol force should have the primary responsibility for addressing drug problems. This will require changes in the tactics local police use to manage drug problems; uniformed officers will not be engaging in undercover work, and the types of intelligence information they can gather will differ from that of plainclothes drug investigators.

In the future, patrol officers will have to do much more than provide backup on drug raids, respond to drug-related crimes, and stop suspicious automobiles. They must identify drug-related problems occurring on their beats. These types of problems will include drug dealing locations, drug involved domestic disturbances, drug-related crime patterns, youths who are particularly vulnerable to drug abuse, disorder problems stemming from dealing and using, failures in the provision of other government services, and so forth.

Once problems are identified, these officers must undertake an investigation or analysis of the circumstances underlying these problems. Such analyses will have to tap the expertise of other police officials, police records, local residents and businesses, offenders, other public agencies, and anyone else who can reveal information that may help form a response to the problem. Officers should be asking why the problem is at one location instead of at some similar site. They should find out why particular groups of people (victims, offenders, others) are involved in the problems. They must investigate how the physical environment and social context foster drug problems. And officers should document existing police and other agency efforts to deal with the problems and their symptoms.

Having described the nature of the problem, a number of solution options should become apparent to the officer. Working with other members of the police department, other city agencies, and the public, officers must develop ways of managing drug problems on their beats. The response to the problem may involve the selective application of traditional enforcement but it is also likely to require a broader approach. Traffickers may be identified with the assistance of a newly organized citizens' group. Apartment managers can be encouraged to enforce lease provisions, thus forcing drug dealers out of the buildings. Social service agencies can be prodded into delivering assistance to people in need. In some circumstances, officers may be able to get others, including government agencies, private enterprise, or citizens' groups, to take over the response to the problem. In other cases, officers may have to stay involved for longer periods of time.

The final step in this problem-solving process is for officers to assess the impact of their responses to drug problems. Officers should look for evidence that the harm created by the problems has been reduced. Additionally, they should look for displacement and other unintended consequences of their efforts.

By focusing on harm at this lower level, some very small victories can be achieved and maintained. If practiced for a long enough time, these small victories may add up to large successes.

Following this process will require officers to have stable beats and shift schedules. They must be given the authority as well as the responsibility for the problems on their beats. Special units that formerly moved into an area, carried out an assignment and then left, taking their solutions with them, must now be ready to support the requests of beat officers. If a patrol officer on a fixed beat addresses a problem, someone will be in place to minimize the chances of the problem's return.

A problem-oriented approach requires patrol officers have a great deal of authority to make decisions about how to handle problems. It also requires supervisors and managers to focus much more on results and to monitor problem-solving efforts.

Because drug problems are part of the larger social fabric, this approach to police work requires the assistance of many nonpolice agencies, whose approach to drugs also needs to be changed.

Other Local Government Agencies' Anti-Drug Efforts

Defining drug problems as solely a law enforcement responsibility forces police agencies to take limited and ineffective measures to manage these problems. Such a definition also downplays the vital role of other local government agencies in anti-drug efforts. If drugs are a police problem, then schools, hospitals, parks departments, code enforcement divisions, housing agencies, and other sections of local government can shift the burden to the police. But the reality is that the operations of these and other agencies often contribute to, or fail to help alleviate drug problems. Housing agencies, for example, that do not enforce lease provisions and turn a blind eye toward drug dealers who move in with legitimate lease holders are contributing to the drug problem in neighborhoods. A codes enforcement division that is not diligent in getting property owners to maintain their property contributes to the decline of neighborhoods and the increased likelihood of drug dealing. One of the startling findings of PERF's assistance to local police agencies is how many drug problems could have been avoided, or minimized, if public agencies had been able to carry out their assigned missions.

Even more startling is how much can be accomplished when these agencies work in concert with police on drug problems. To date, unfortunately, most of these joint problem-solving efforts have been ad hoc affairs initiated by police. In the future, city governments will have to organize their operations to maximize the benefits of interagency collaboration against drug problems. Many of these efforts will be led by police officials; police departments are still the only general purpose public agency that will make house calls 24 hours a day, and police have the authority and power to intervene in situations that agents of other branches of government cannot. But increasingly, other agencies will call police to assist them in anti-drug efforts, and the police should be prepared to provide this help. Health agencies, for example, may call upon the police to assist in the identification of children who are at risk because of their parent's drug use.

At a higher level, cities may develop interagency plans to deal with classes of drug problems. For example, particular neighborhoods may be targeted for anti-drug efforts involving several agencies. Or a group of agencies may identify vulnerable subpopulations as the focus of problem-solving efforts. These proactive interagency efforts will require a great deal of information to identify and analyze problems, and to assess their results.

Local Substance Abuse Monitoring Statistics

Future local anti-drug efforts will have to make much better use of information than is currently the practice. Despite a wide variety of local data describing the many features of drug problems in the five PERF project cities, this data was not used for any policy purposes.

The failure to use this data was not altogether surprising. The data was scattered across many agencies in inconsistent formats. Some agencies guarded their information jealously while others welcomed efforts to collate it and put it to use. Many agencies were unaware of the utility of their information for addressing drug problems. Often the data was only available for the city as a whole, or for large portions of the city. Seldom could the information be tied to small geographical subdivisions. Similarly, data usually described the population as a whole and there were no ways of determining which subgroups were most vulnerable to drug problems.

A number of ongoing and developing national drug use monitoring systems offer some examples which local governments could adapt to their needs. The National Institute of Drug Abuse (NIDA) conducts two sample surveys regularly -- one of households in the United

States and the other of high school seniors. These surveys, referred to earlier, provide national estimates of drug use for most segments of the population and also gauge attitudes toward drugs. Though they provide reasonable national estimates, these surveys cannot give local estimates. Local governments could conduct their own surveys, modeled on these efforts to determine drug use trends among various population groups and high schools.

The Drug Abuse Warning Network (DAWN) also provides national estimates of drug abuse trends. A number of hospitals around the United States regularly report drug-related illnesses and injuries to NIDA. Similar procedures could be implemented locally to give estimates of drug abuse for cities and various subdivisions.

The National Institute of Justice has established a system for monitoring the relationship between criminality and drug use. Known as DUF (Drug Use Forecasting), this system reports on urinalysis results from volunteer arrestees in local jails selected according to a predetermined protocol. Each result is confidential, as are the results of drug use surveys conducted when the urine sample is provided. These results can provide local trend data as well as national estimates.

Still in the very early development stages are Drug Market Analysis (DMA) projects, also sponsored by the National Institute of Justice. In theory these systems are supposed to integrate routinely collected police data (calls for service, crimes, car stops, arrests, etc.) with intelligence information for a region. All of this information should be tied to a geographical data base to facilitate tracking of drug markets throughout a region (NIJ, 1989).

Local governments have access to a variety of data that they can use to analyze, evaluate, and forecast drug problems. With proper attention to security and privacy, this information could be integrated to identify neighborhood and subpopulations in need of assistance. In addition to police and crime information, these data sources could include: school disciplinary actions related to drugs; housing agency lease revocations related to drugs, drug-related automobile accidents, emergency medical calls, drug-related hospital admissions, medical examiners' reports, drug use treatment reports, employer drug test results, and other sources. Three minimal types of information would be needed for all such data: the nature of drug involvement; placement of the incident or subject geographically, and social, economic, and demographic characteristics. Exact addresses and some characteristics could be eliminated to preserve confidentiality.

A central collating section of local government could collect the information and issue periodic reports. All city agencies would have access to the information for their anti-drug efforts. But the principle reason for organizing such an undertaking would be to facilitate coordinated drug problem-solving efforts involving several agencies.

National Anti-Drug Strategies

Though the focus of anti-drug efforts must be local, there will continue to be a need for federal assistance. Supply reduction strategies must be maintained, even if they do not receive as much attention. Similarly, national campaigns to curb illicit drug use have strong symbolic value and cannot be abandoned.

National research, demonstrations, and technical assistance in support of local efforts must, however, become a higher priority. Research and development is expensive but it assists all localities. Local government will not be able to afford much research into new anti-drug approaches even though they can benefit from it. There is, at the national level, an economy to scale that makes such research productive.

Similarly, unproven but potentially useful anti-drug efforts should be funded by the federal government. Many of these efforts will be less successful than their proponents believe, but a few will work well. National governments have a critical role to play in funding high risk demonstration projects.

National governments will also have to play a larger role in technical assistance and training. This will require close observations of innovations occurring locally, as well as federally-sponsored research and demonstration projects. But this assistance and training must be provided to more than just the police -- all branches of government must be included in these efforts. Further, federally-sponsored information exchanges such as newsletters, conferences, computer networks, and the like must increase to assist local officials in keeping up with new developments and innovations.

CONCLUSIONS

Positive changes require that concern about drug problems be more than another passing fad. In the past, concern about drug abuse has peaked only to be followed by periods of quiescence. This could happen again. Concern about drugs is peaking. This has stirred, in the United States, an intense debate is being waged over the federal role, and most of the rhetoric presumes that massive reductions in illicit drug abuse are possible. Yet, this reduction can only take place with innovative, local programs.

Though drug abuse may just be beginning to decline, this downward trend will not be rapid. Current levels of concern could turn to disillusionment and indifference if national policy makers give the public unrealistic expectations. Faced with an unexpectedly lengthy, expensive, and complex anti-drug effort, that is not meeting the public's expectations, the public could seize on the first hint of good news and refocus its attention on other problems. This is almost certain to occur if the drug problem is portrayed as a national problem with local implications.

It is more realistic and accurate to view drugs as creating local problems that sometimes have national implications. A more sensible and long term strategy is to focus on the harm drugs cause and to attempt to alleviate this harm where it occurs. To do this will require close collaboration among many local agencies, including the police. And the police will have to treat drug problems as a permanent and major part of their work. If the police take a problem-oriented approach to drugs, with the collaboration of the rest of local government and neighborhood groups, it may be possible to effectively manage drug problems. Success is dependent on a strong local strategy that is supported by policymakers on a national level.

BIBLIOGRAPHY

Barnett, Arnold. "Drug Crackdowns and Crime Rates: A Comment on the Kleiman Report." In Marcia R. Chaiken, ed. Street-Level Drug Enforcement: Examining the Issues. Washington, DC: National Institute of Justice, 1988.

Bouza, Anthony V. "Evaluating Street-Level Drug Enforcement." In Marcia R. Chaiken, ed. Street-Level Drug Enforcement: Examining the

Issues. Washington, DC: National Institute of Justice, 1988.

Bureau of Justice Statistics (BJS). Prisoners in 1988. Washington, DC: Author, 1989.

Drucker, Ernest. "Notes From the Drug Wars: New York Through the Eye of the Needle." The International Journal on Drug Policy. 1:1(8-10), 1989.

Eck, John E. and William Spelman. Problem Solving: Problem-Oriented Policing in Newport News. Washington, D.C.: Police Executive Research Forum, 1987.

Federal Bureau of Investigations (FBI). Crime in the United States. Washington, DC: U.S. Government Printing Office, 1977-1988.

General Accounting Office (GAO). Drug Smuggling: Capabilities for Interdicting Private Aircraft are Limited and Costly. Washington, DC: Author (June).

Goldstein, Herman. "Improving Policing: A Problem-oriented Approach." Crime and Delinquency. 25:236-258, 1979.

Gropper, Bernard. Probing the Links Between Drugs and Crime. Research in Brief. Washington, DC: National Institute of Justice, 1985.

Hayeslip, David W. Jr. "Local-level Drug Enforcement: New Strategies." NIJ Reports. Number 213 (March/April). Washington, DC: National Institute of Justice, 1989.

Hughes, Mark Alan. Poverty in Cities. Washington, DC: National League of Cities (February), 1989.

Huguley, Sandra S. Drug Problem Inventory. Atlanta, GA: Atlanta Bureau of Police Services, 1989.

Johnston, Lloyd D., Patrick M. O'Malley, and Jerald G. Bachman. National Trends in Drug Use and Related Factors Among American High School Students and Young Adults, 1975 - 1986. Rockville, MD: National Institute on Drug Abuse, 1987.

Johnston, Lloyd D., Patrick M. O'Malley, and Jerald G. Bachman. Illicit Drug Use, Smoking, and Drinking by America's High School Students, College Students, and Young Adults: 1975 - 1987. Rockville, MD: National Institute on Drug Abuse, 1988.

Lemann, Nicholas. "The Origins of the Underclass." Atlantic Monthly. (June and July), 1986.

Kleiman, Mark A. R. "Crackdowns: The Effects of Intensive Enforcement on Retail Heroin Dealing." In Marcia R. Chaiken, ed. Street-Level Drug Enforcement: Examining the Issues. Washington, DC: National Institute of Justice, 1988.

National Institute on Drug Abuse (NIDA). National Household Survey on Drug Abuse: Main Findings 1985. Rockville, MD: Author, 1988.

National Institute on Drug Abuse (NIDA). "1988 Survey Results from Monitoring the Future: A Continuing Study of the Lifestyles and Values of Youth." Unpublished paper. Rockville, MD: Author (January), 1989.

National Institute of Justice (NIJ). Drug Market Analysis Program: A Competitive Research Solicitation. Washington, DC: Author, 1989.

National Narcotics Intelligence Consumers Committee (NNICC). The NNICC Report 1988: Supply of Illicit Drugs to the United States. Washington, DC: Author (April), 1989.

The National Prison Project. "Status Report: The Courts and Prisons -- A Summary." Washington, DC: Author (April 17), 1989.

Office of Criminal Justice Plans and Analysis. Homicide in the District of Columbia. Washington, DC: Author, 1989.

Police Executive Research Forum (PERF). Taking a Problem-Oriented Approach to Drug Enforcement. Washington, DC: Author, 1989.

Reuter, Peter, Gordon Crawford, and Jonathan Cave. Sealing the Borders: The Effects of Increased Military Participation in Drug Interdiction. R-3594-USDP. Santa Monica, CA: RAND, 1988.

Reuter, Peter, John Haaga, Patrick Murphy and Amy Praskac. Drug Use and Drug Programs in the Washington Metropolitan Area. R-3655-GWRC. Santa Monica, CA: RAND, 1988.

Stroud, Carsten. "Drugs in the City." Toronto Life. 23:9(47-85), 1989.

Tulsa Police Department. Problem-Oriented Approach to Drug Enforcement: Drug Problem Inventory. Tulsa, OK: Author, 1989.

Uchida, Craig. Personal conversation, 1989.

Washington Post. "Virginia Needs 10 New Prisons in 10 Years, Panel Told." Washington Post. May 28 (C8), 1989.

Wilson, William Julius. The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy. Chicago, IL: University of Chicago Press, 1987.

Zimmer, L. Operation Pressure Point: The Disruption of Street-Level Drug Trade on New York's Lower East Side. New York, NY: The Center for Research in Crime and Justice, New York University School of Law, 1987.

DRUGS: THE CHALLENGE TO POLICE AND SOCIETY

REPORT OF THE WORKING GROUP

The topic, **"Drugs: The Challenge to Police and Society"**, was interesting in several ways. John Eck's presentation addressed, primarily, the problematic approach to policing the drug problem. The discussion arising from John's presentation was intense and somewhat emotional.

I will not elaborate on the content of John's presentation as it was recorded during the session and would be redundant as well as inaccurate in this brief paper. However, the most interesting point I got out of both the lecture material and the workshop was the police community's failure, in the past, to separate and address the critical issues apart from one another.

The police and governing bodies have placed a great deal of emphasis on the introduction of drugs into the country and the reduction of the user groups through investigation and incarceration. Insufficient energy has been expanded on dealing with the problem at a local level.

The consensus of our group was that the government placed a priority on fighting drugs on the basis of the interdiction and reduction of drugs and ignored the real problem. Many reasons were suggested. However the general opinion was that governments addressed the drug issue from an emotional and moralistic perspective rather than being realistic about the problem.

The problem for local authorities obviously is not in the use of drugs but rather in the crime associated with their use. The group therefore choose to deal with the topic from that perspective.

The general view of the group was drug related crime will escalate. This includes all types of drug abuse: heroin, cocaine/crack, marijuana, prescription drugs, designer drugs, alcohol and tobacco.

Acknowledgement was given to the apparent decrease in alcohol and tobacco abuse. This reduction is believed to have resulted from increased education relative to the drug abuse problem.

The group wished to begin by dealing with question three.

"Delineate policy linkages and implications, between the various levels with particular areas of agreement or conflict..."

The group concluded that there clearly is a requirement for linkage between the police and government in matters of policy and action. Government should be providing policy direction in the fight against drug abuse. The policy should be followed by the allocation of sufficient resources to meet the goals.

The government does have a drug policy, however, their input is restricted to interdiction and high level enforcement. They do not provide direction with respect to the problems that drug abuse cause at the local street level.

It was pointed out that the Federal Government is in the third year of a promised program to combat drug abuse through interdiction of supply and reduction of demand. However, well into the third year we have yet to see a significant political commitment to that goal. The consequences of government's lack of policy today will result in an increase in drug related crime in the future.

Police authorities responsible for the fight against drug related crime are frustrated with the lack of resources and commitment from senior governments. The local community suffers from this lack of support in many ways. Rising crime rates, fear of assault and fear of loss are but a few of the frustrations felt by people.

The belief that drug abuse is escalating in Canada may be inaccurate. John Eck pointed out that statistics indicate declining drug abuse in the U.S.A. Our position on this issue is covered later.

We next considered Question #2:

"... assess known information, trends and possible future developments, related to the use and abuse of drugs in Canadian society?"

The group felt that it was very important for government to address the drug abuse problem in the traditional manner, i.e., supply and demand reduction. To date the Federal Government has funded this approach. Although an argument could be made regarding the sufficiency of effort, that is not a relevant point at this time.

Critical to the reduction of crime related to drug abuse is a need for more funding and emphasis on local initiatives. John Eck's presentation outlined the problem oriented approach to policing drugs. This approach is wholistic in nature and includes all aspects of the drug abuse problem.

The following policy subjects were agreed upon by the group.

(a) The Federal Government should continue their commitment to supply reduction, by funding drug abuse initiatives at the national, provincial and municipal levels.

(b) The Federal Government should continue encouraging joint forces drug enforcement operations designed to interdict the flow of drugs into Canada.

(c) The Federal Government should continue their commitment to the reduction of non-criminal drug abuse.

(d) The Federal Government should give high priority, to the evaluation of drug abuse. This is an absolute requirement of local authorities in the deployment of manpower to this problem.

(e) The Federal Government should fund educational programs designed to reduce drug abuse through knowledge and understanding.

(f) The local authorities should create drug management programs based on the problem oriented policing model.

(g) The local authorities should continue with education initiatives.

Vern Campbell
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PRIVATE POLICE AND PUBLIC POLICE: TOWARD A REDEFINITION OF THE POLICE ROLE[1]

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INTRODUCTION

I have been asked today to give you some thoughts on the implications of private policing for the future of public police organizations in Canada. As many of you will know, over the years this has become somewhat of a pet subject of mine. After one has been speaking and writing about a subject for more than fifteen years, it becomes increasingly difficult to say anything new about it. In my talk today, I will endeavour not to go over too much ground which has been covered before.

But to those of you to whom my talk sounds overly familiar, I would like to say two things. First, I'm sorry. Second, important and new things often have to be said more than once. This is because (a) even academics do not always get it right the first time, and (b) even for police officers things sometimes have to be said more than once before they are heard.

Twenty years ago, very little was known about private policing in Canada or elsewhere. Practically no systematic research on it had been done anywhere, and our knowledge about it was largely confined to rather sensational revelations of congressional inquiries (U.S. Senate Committee on Education and Labour, 1939) in the United States (looking into the way several reactionary industrialists had deployed contract security forces against organized labour), and works of fiction depicting the antics of private detectives in the bedrooms of the nation (see e.g. Geherin, 1985). The images of private policing which emerged from both sources were of questionably romantic sleaziness (in the case of gumshoes) and politically loaded brutality)in the case of security guards). The general reaction was that the best future for private policing would be its complete elimination, or at least that it be confined to the pages of cheap novels.

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[1] Although Dr. Stenning is the sole author of this paper, he readily and gratefully acknowledges that most of the ideas in it have been developed in the course of a long research collaboration with Professor Clifford D. Shearing, at the Centre of Criminology, University of Toronto. Responsibility for the presentation of these ideas in this paper, however, remains that of the author.

In the late 1980's things are rather different. We now know quite a lot (although still not enough) about private policing, in Canada (see e.g. Shearing & Stenning, 1983) as well as the United States (see e.g. Cunningham & Taylor, 1985), and in light of this new knowledge our assessment of it has become rather more sophisticated. While that assessment is certainly by no means all positive, there is now a recognition that even seasoned public police officers may be able to learn some valuable lessons about policing, and how to do it more effectively, from the private sector. Indeed, as I shall try to illustrate in my talk, it is not an exaggeration to say that many private police organizations have considerably longer experience (and in some cases greater success) than most public police organizations in addressing almost all of the key issues which are now said to confront our public police organizations.

This proposition - that private police organizations are in the vanguard with respect to many innovations and improvements in policing - does not sit well with many public police officials. But in light of what we now know about the composition of the leadership of the private sector, it should not come as any great surprise. A notice which appeared in the Globe and Mail's Report on Business last week provides a vivid illustration of what I am referring to here. Underneath a head-and-shoulders picture of a senior R.C.M.P. officer in uniform, we read the following:

> "Peat Marwick is committed to providing the best talent and expertise available in forensic and investigative accounting. In line with this philosophy, Peat Marwick is pleased to welcome Mr. Rod Stamler as a partner in the Peat Marwick Lindquist Holmes forensic and investigative accounting division of the Toronto office.
>
> Mr. Stamler joins Peat Marwick after 33 years with the Royal Canadian Mounted Police. He most recently held the rank of Assistant Commissioner and Director in charge of the R.C.M.P.'s Economic/Commercial Crime Division for Canada. Previously he was Director of

> Drug Enforcement. He has directed many of the force's largest economic crime investigations, the most notable being the Sky Shops affair and the Hamilton Harbour Dredging case. Internationally, his involvement with the United Nations, Interpol and the Council of Europe has taken him to 48 countries.
>
> In his new position, Mr. Stamler will provide added depth and leadership in the continued development of Peat Marwick's corporate investigation capability, in Canada and internationally.
>
> Peat Marwick is part of KPMG, one of the world's leading accounting and consulting firms with offices in 115 countries." (GM/ROB 22/6/89, p. 85).

As most of you will know, Mr. Stamler's recruitment by the private sector is no isolated event. To give just a few of many other examples which could be cited: the current Director of Security for Canadian Airlines International is Mr. Brian Sawyer, a former R.C.M.P. officer who, as Chief of the Calgary Police Service, was one of the most highly respected public police officials in this country; on his retirement, Mr. Harold Adamson, surely one of Canada's most respected public police officers when he was Chief of the Metropolitan Toronto Police Force, became Director of Security for the Ontario Jockey Club; when he took his second retirement, he was succeeded in this post by none other than the recently retired Commissioner of the Ontario Provincial Police Force, Mr. Archie Ferguson; the famed (and in public police circles revered) homicide investigator, Mr. Frank Barbetta is, in his latest incarnation, Chief Security Officer for the Carling O'Keefe Brewery Ltd. And the list goes on and on. For public police officials to suggest that the private sector which is led in many cases by the public police service's former favourite sons, is not capable of displaying innovation and leadership in the development of policing techniques, approaches and strategies, would be strange indeed.

Unlike the situation twenty years ago, many of the essential characteristics of private policing in this country are now well known, are no longer seriously contested, and therefore do not need to be laboriously recapitulated here. Thus, it is now accepted that private policing currently outstrips public police organizations in terms of the numbers of persons employed, the range (and in many cases also the quality) of policing services it provides, and the variety of domains in which it provides these services.

Again, by way of example only, in the downtown core of Metropolitan Toronto alone, there is now a 6-kilometre maze of underground thoroughfares (Globe & Mail, 24/03/87: p. A17). Within and above this maze are literally thousands of stores, offices, residential premises, recreational facilities, restaurants, bars and hotels. There is scarcely an activity or desire that one can imagine wanting to pursue in a modern urban environment which cannot be accommodated within this "private" city. Every day, hundreds of thousands of people work, play, eat, sleep or just pass through its "streets". Yet practically all of this activity and these people are outside the traditional "beat" of the local public police force. Policing of the "private city" is performed almost exclusively by a mixture of private contract and in-house policing organizations. Typically, it is accomplished with minimal resort to the public police or the public criminal justice system. While the public police are certainly not barred from the private city, their appearances within its precincts are relatively infrequent, and in most cases it does not form part of their regular "patch".

This scenario is reproduced in every major urban centre in Canada. While research on public uses of such places is still less than adequate, it has been estimated that more than half of the time Canadian city dwellers spend outside of their homes, is spent in such places (Ellis, 1987). And as you will know, city dwellers and visitors constitute the great majority of the population.

Crude as all of this is, it points to one inescapable conclusion, which is that when Canadians experience policing - and I will discuss the meaning of that term more fully in a moment - it is more likely to be "private" policing than "public" policing (i.e., policing by public police organizations). This, I am convinced, is a reality of the utmost importance which no serious discussion of "the future of policing in Canada" (or anywhere else for that matter) can afford to ignore.

The Public Police Reaction to Private Policing

An Ontario police chief recently shared with me some of his views about management. The police manager, he said, must understand that every project has six stages. The six stages are:

1. Enthusiasm
2. Disillusionment
3. Panic
4. Search for the guilty
5. Punishment of the innocent
6. Praise and honour to the uninvolved

In a similar vein, I think it can be said that public police reaction to the modern phenomenon of private policing during the last twenty years has also gone through six stages (although by no means all public police officials have progressed right through the cycle). Toward the end of my talk I shall endeavour to identify a seventh stage (a seventh heaven?) into which, I hope, public police leaders in this country are about to enter. But let me first briefly review the six stages which we have already witnessed. Many of the, of course, overlapped in terms of their timing.

The first stage was **DENIAL**. Actually, denial may not be the most suitable term to characterize this stage, for what it really involved was simply a refusal to acknowledge that private policing was a legitimate topic for discussion at all. Public police training, literature and discourse was simply devoid of any (serious) discussion of private policing. For the most part (although there were some notable exceptions) this remained the case in Canada right up to the early 1970's. This stage, however, seems now to be entirely behind us.

The second stage was one of **GRUDGING RECOGNITION**, typically accompanied by **DENIGRATION**. This stage lasted through the first half of the 1970's. Emerging research and publicity around private policing made it impossible for the public police to completely ignore it. As urban environments changed and what Shearing and I have called "mass private property" (Shearing & Stenning, 1981:228) transformed the cityscape, public police leaders reluctantly began to give public acknowledgement that neither their resources nor their call on public funds were adequate to allow them to provide full policing service to every nook and cranny of the city. Parking garages and high-rises were the first to be cited in this regard, quickly to be followed by shopping centres and malls, public housing and private condominium complexes. Public police officials acknowledged, without enthusiasm, that these places were beginning to be taken care of by a growing army of private security outfits. They were quick to add, however, that what these private security guards were doing was not to be regarded as "policing". They were simply providing basic "property protection"; any "real policing" which was needed would continue to be done exclusively by the public police.

This rather self-serving, denigratory attitude toward private policing, on the part of the public police, has persisted well into the 1980's, and indeed still forms a critical element in much public police thinking about private policing. It has persisted despite mounting (and now irrefutable) evidence that there is scarcely an activity or function performed by public police organizations which is not also performed, in one context or another, by private policing organizations. I shall return to this issue later in my talk. The persistence with which public officials insisted that there was a clear distinction between "private security work" and "real police work", and that the former was "Mickey Mouse", however, led by colleague, Dr. Clifford Shearing and I, to examine the policing which is actually undertaken (by a private policing organization, of course) in the heart of Mickey Mouse's own domain, Disney World (Shearing & Stenning, 1984). Without going into detail about the findings of that little research endeavour, it will be sufficient to point out here that we were quickly led to the realisation that there is nothing "Mickey Mouse" about Mickey Mouse. Many public police officials remain unconvinced about this, however.

The grudging recognition of the existence and growth of private policing soon led public police to the third stage of reaction, which was characterized by **COMPETITION** and at times **OPEN HOSTILITY**. Many public police officials exhibited a degree of confusion and ambivalence about private policing during this period. On the one hand, the enormous growth of private policing organizations during the 1970's seemed to pose a significant threat to the public police's claim to a monopoly over the provision of policing services. On the other hand, many public police officials were able to recognize that the development of the private sector not only constituted a significant source of alternative and/or post-retirement employment for public police officers, but also provided some important solutions to the growing fiscal crisis in which public police organizations were finding themselves.

On the third hand (academics are always finding they need more than two), private policing was not infrequently a source of embarrassment for public police organizations. The principal source of such embarrassment was the increasingly obvious (but almost always publicly denied) reality that most private policing organizations were able to do their work effectively partly because they had routine, unauthorized and illegal access to information held by public police organizations. The source of this access, of course, was the growing "old boy network" which was developing between the two sectors. Pragmatic public police officers, however, recognized that the information did not all flow one way, and that private policing organizations were not the sole beneficiaries of this exchange (Shearing et al., 1985a: 145-147).

The result of this ambivalence on the part of the public police was a strange and rather unpredictable mixture of reserve, aggression and at times hypocrisy. Public police publicly criticized private policing organizations - for being incompetent, lazy, dishonest, irresponsible, unprofessional, corrupt and brutal - while privately developing closer and more intricate ties with them. While there was undoubtedly much to justify some of the criticisms which the public police levelled against private policing organizations, it must be remembered that during the 1970's many public police organizations were not entirely free from such criticisms themselves; this, after all, was the era of Albert Johnson, C.I.R.P.A., and the McDonald, Laycraft, Hughes, Morand and Waterloo Regional Police Inquiries, among others.

This third stage of reaction led to, and to a large extent coincided with, a fourth stage which was characterized by increasingly vociferous **CALLS FOR MORE CONTROLS** over private policing organizations and activities. The public police were often at the forefront of such calls, which invariably involved advocacy of tighter legislative and regulatory intervention. Despite the obvious potential for conflict of interest involved, the public police themselves were frequently assigned the responsibility for administering such controls. By the end of the 1970's, every province had introduced regulatory legislation covering at least some sectors of the private contract security industry. Private in-house security organizations, and many other sectors of the contract security field remained largely untouched by these initiatives, however, the effectiveness of which was in any event already being recognized as open to serious question (Stenning & Cornish, 1975). The basic philosophy of much of this attempt at regulation, which was frequently reflected in public police discourse at the time, seemed to be that private policing could at best be regarded as a necessary evil, which should be the subject of strict governmental control and public police supervision, and kept within as narrow bounds as possible.

For several years, it seemed as if the relationship between public and private policing organizations in Canada would not proceed beyond stages four and five, just described - mutual suspicion and ambivalence, combined with sustained efforts by the public police to keep things firmly under their control. Perhaps because the upper echelons of private policing were so pervasively being populated by former public police personnel, combined with the fact that the earlier attitudes of the public police towards private policing were becoming increasingly less plausible and persuasive, the early 1980's saw the development of a new stage in this relationship. I will call it the **ACTIVE PARTNERSHIP** stage. It is this stage, I think, that most senior public police leaders - and certainly the more enlightened ones - are now in. Unofficially, but certainly not officially - in other words, in practice, but not in their rhetoric - line public police officers and supervisors have been in this stage almost from the beginning.

A powerful signal that the public police were ready to move to this stage of their relationship with private police was provided by the 1983 President's Message, delivered by Chief Leo Callaghan, President of the International Association of Chiefs of Police. The Message was entitled "Private Security: Our Partner in the War on Crime!", and in it the President noted that the I.A.C.P.'s Private Security Committee was not "one of the largest and most productive of our eighteen standing committees." On the policing capacities of the private sector, he had this to say:

> "With respect to white collar crime and other frauds, private security investigators have proven themselves far more knowledgeable about the nuances of their particular industries than public police. Propriety investigators represent a first line of defense in computer security, corporate espionage, asset

> protection, access control and the myriad other economy-related offenses that invade the corporate structure." (The Police Chief, Vol. 50, No. 6 [June 1983]: 8).

For the leading spokesperson of the principal representative organization of public police organizations in the North American continent to be publicly acknowledging that private policing organizations were actually superior to their public police counterparts in some areas of policing was indeed an astonishing event which represented, I think, a significant shift in public police attitudes towards private policing.

It seems very likely that Chief Robert Lunney, of the Edmonton City Police Force, who was to become President of the Canadian Association of Chiefs of Police the following year, was one of those Canadian police officials who heard and took note of President Callaghan's message. For Chief Lunney's own President's Message (published in the Canadian Police Chief Newsletter, Vol. 4, No. 2 [February 1985]: 10 was entitled "Public Police and Private Security - A Professional Alliance." In it, he opined that "[E]nhanced cooperation [of public police forces] with the existing forces of private and corporate security offers an opportunity advantageous to both public and private interests."

Most of President Lunney's Message consisted of suggestions whereby the quality and standing of private policing organizations could be improved in Canada. He called for a review of provincial legislation establishing "standards" for private firms and individuals. At the same time, he wrote,

> "The professional bodies of private security should concentrate on the development and acceptance of a uniform code of ethics and standards of education and training contributing to professional standing." (Ibid.)

I would pause here to point out that this suggestion provides a good example of the readiness of public police officials to insist, as a condition of their recognition and co-operation with private policing organizations, that such organizations establish and maintain standards which the public police are far from having established for themselves. It certainly cannot yet be said that public police forces across this country have accepted or adhere to "a uniform code of ethics and standards of education and training contributing to professional standing." They are even further from having established minimum standards of acceptable police practice and performance. I will return to this point a little later in my talk, however.

To return to Chief Lunney's 1985 Message, he suggested that once these "enhanced standards" for private police[4] personnel were in place, formal protocols and liaison arrangements to govern the relationships of public and private policing organizations should be established. He concluded:

> "There is in this proposal a tremendous potential for the enhancement of crime prevention, law enforcement and criminal investigation. The theme could be one of cooperation, not competition, on common objectives. The services are complementary and the possibilities for increased effectiveness and efficiency are in the public interest." (*Ibid.*)

Chief Lunney (who has since become Commissioner of Protection, Parks and Culture for the City of Winnipeg) has since revealed that as a "direct result" of having read a publication of the Law Reform Commission of Canada on the powers of private security personnel, he directed the Crime Prevention Section of the Edmonton Police Department to pursue "a series of developing initiatives with the private security sector" in the city (personal correspondence, 5th June, 1985). (As an aside, I would remark that this acknowledgement itself must be regarded as quite an event, since it probably represents the only time a senior public police official has ever voluntarily acknowledged that something the Law Reform Commission of Canada has suggested has been well received by the public police!)

The initial "series of developing initiatives" to which Chief Lunney referred has since been packaged under the title "Co-operative Policing" and, by mid-1985 had been extended to some thirty businesses in the city. A rather glowing review of it, entitled "Co-operative Policing: The Way of the Future?" appeared in *Liaison* (published by the Federal Solicitor-General's Ministry - see Vol. 12, No. 1 [January 1986]: 9-12). An Edmonton City Police Department spokesperson is quoted in the article as claiming that among the many benefits of the program is the fact that it has led to a direct reduction in the Police Department's costs in responding to retail and commercial crime, thus allowing the Department to do "more with less" (Ibid.: 12).

This, then, is where public/private police relations seem to have arrived at today. I am not aware how many other public police organizations in Canada have acted on Chief Lunney's call or followed his former force's example. By any standard, however, it must be acknowledged that public/private police relations in Canada have come a long way during the last two decades - from virtual refusal of the public police to even acknowledge the existence and significance of private policing in the late 1960's, via ambivalence, some hypocrisy and often hostility during the 1970's, to public calls for active partnership by top spokespersons for the public police in the 1980's.

The obvious question now, therefore, is: Where do we go from here?

From Active Partnership to Equal Partnership? Some Thoughts on the Future

The initially grudging, and now much more generous, acknowledgements by public police officials of the real contributions which private sector organizations can and do make to effective policing in our society, represent, for me, a very welcome signal that attitudes among public police leaders are maturing and are beginning to catch up with the realities of the late twentieth century.

I am sure that I will not be overly popular with this audience for saying this, but it seems to me that modern public police forces were an invention of the early 19th century and have for too long clung to ideas about, and approaches to, policing which, even if they were appropriate to the 19th century, are increasingly inappropriate for the twentieth, let alone the twenty-first, which will soon be upon us (if nuclear war or environmental pollution do not get us first).

By contrast, modern private policing organizations are, for the most part, products of the twentieth century, and are usually designed and deployed more effectively with present day (and future) realities in mind. This alone, I think, should alert us to the possibility (I would say probability) that when it comes to effective and relevant policing, public police organizations could be expected to have much of value to learn from their private sector counterparts.

Yet, generous as they now are, public police attitudes towards private policing remain more than a little condescending. While partnership is now seen as the way of the future, it is always made explicitly or implicitly clear that the public police do not regard this as in any sense an equal partnership. In public police discourse on this subject, public police are presented as the senior partners in this relationship. Private police are portrayed as welcome members of this partnership (provided they "put their house in order" first), but quite clearly as junior partners, whose role is to give the public police whatever assistance they can to help them do the job of "real policing". The unwillingness of public police officials ever to acknowledge that what private policing organizations do is to be regarded as policing at all (they refer to it patronizingly as "security"), provides the clearest indication of this attitude.

In the remainder of this talk, I want to explain why I think that this view is mistaken, and that what should happen in the future is that the public police should begin to take private policing organizations seriously as **equal** partners in providing **policing** services to the community. Before doing so, however, I need to touch on one of the factors which, I think, is presently standing in the way of the achievement of this goal.

The assertions that private policing organizations are no more than junior partners with the public police in doing policing in our society, and that what they do is not properly to be regarded as policing at all, gains considerable public credibility from the fact that it is publicly (but not privately) espoused almost as enthusiastically by private sector leaders as by public police spokespeople. I do not think it is very difficult to explain the attractiveness of this position for public police officials; they, after all, are naturally keen to promote the idea that they are still "in charge" when it comes to policing. The fact that it is inconsistent with all known facts about the nature and scope of private policing, however, has led me to wonder why these assertions are equally attractive to private policing leaders.

My conclusion about this is that there are two interrelated explanations for it. In the first place, it remains true that the leadership of the private sector is still composed primarily of former public police officers. I think that the longstanding loyalties which these people have to the public police organizations with which they were formerly associated, together with their desire, for obvious pragmatic reasons, to maintain good working relations with their former colleagues who remain in public police service, are powerful factors which encourage them to endorse the official "junior partner" line with respect to the role of private policing.

Perhaps more importantly, however, I have come to realize that there may be real benefits for private policing organizations in perpetuating the myth that they are not doing any "real policing". In our society, "real policing" has, during the last one hundred and fifty years at least, come to be associated in the public mind with agents of the state (or, in our mythology, the "Crown"). It has also come to be inextricably associated with the public criminal justice system. Public officials of all kinds, including public police officials, have assiduously promoted this ideology over the years. The necessary corollary of it is that "real policing" should always be publicly accountable and constrained by the due process rules of criminal justice.

Yet, as I shall discuss further in a moment, one of the main reasons why private policing has flourished so extensively during the late twentieth century is precisely because its sponsors (and those who seek to reap its benefits) have typically reached the conclusion that effective policing which meets their needs cannot be achieved within these constraints of formal public accountability, due process and public criminal justice within which the public police must now operate. Agreeing that what they do is not "real policing" is thus a naturally attractive public position for private policing spokespeople to adopt, since it allows them to get on with what they are doing without attracting the unwanted public scrutiny and constraints which are being applied with increasing intensity to the public police.

I want to make it clear that in saying this, I am not to be taken to be suggesting that private policing is not subject to any public accountability or constraints at all. It most certainly is, and in some instances this accountability is a good deal more severe than that to which most public police organizations are subjected (although there are signs that this may now be changing). I refer here to the increasingly important area of civil liability, in which, in the United States and to a lesser extent here, private policing organizations have been held accountable for "negligent" policing to the tune, in some cases, of millions of dollars (for detailed accounts of these developments, see the Security Law Newsletter, published monthly by the Crime Control Research Corporate, out of Washington, D.C.). Only very recently have there been signs that public police organizations may in the future be held similarly accountable for the quality of policing services which they provide to the communities they serve. The "Jane Doe" case which is currently being litigated in the Ontario courts - in which a Toronto rape victim is suing Metro Toronto Police officials for negligence and Charter of Rights violations on account of their alleged failure to warn her of her vulnerability to attack - isa case worth watching in this regard (see "Rape victim wins first round in bid to sue Toronto police", Toronto Globe and Mail, 23rd February, 1989: pp. A1-A2).

More important than pointing to the accountability to which private police are subjected, however, is to recognize that private policing organizations have, in the course of developing the policing strategies and techniques on which they most commonly rely, typically given preference to those which will be least likely to engender criticism and complaint from those whom they police. In most cases this has been a conscious priority in their strategic planning and choice of policing philosophy. The way in which the more successful private policing organizations typically insist that their operatives do not use even those coercive powers which the law allows them (especially the use of physical force) in achieving their policing objectives, provides the clearest indication of this approach (Shearing et al., 1980: 234). It differs radically from that adopted by most public police organizations, in which the open display of authority and power remains an essential element of most policing strategy.

It is not, therefore, that private policing organizations are so much less accountable, in real terms, than their public police counterparts, but rather that the sources of their accountability and constraints are different. In the case of private policing, the most important of these sources derive from the marketplace (customer choice, civil liability and the need to support rather than undermine the viability of the organizations for whom they work); whereas in the case of the public police, these sources of accountability have, until recently at least, been largely inoperative - their accountability has derived from the legislature and the media, and to a lesser extent from administrative controls, criminal courts and other external review mechanisms. If private policing organizations seek to avoid these latter forms of accountability and constraint - as I believe they do - it is not, I think, simply because they are shy of accountability and constraints of any type (although few organizations of any description are enthusiastic about accountability and constraints), but rather that they do not see those particular forms of accountability and constraint as easily compatible with the provision of effective policing. If agreeing that they do not do "real policing" turns out to be an effective way of avoiding these kinds of accountability and constraints, one can hardly be surprised to find them doing so. Of course, what constitutes "effective policing", and what public sacrifices need to be made to ensure its achievement, are questions which are raised just as surely by private policing as they are by public police organizations.

It is for this reason more than any other, I think - and there are many others - that there is an important need for the public police to give up once and for all their posture that in the relationship between them and private policing organizations, they (the public police) must always be the "senior partners" who call the shots.

I said that there are many other reasons why the public police would be wise to abandon this position now, and it is perhaps as well that I should spell out some of them. They all, in their various ways, amount to the same basic proposition, which is that the current posture of the public police in this regard is growing increasingly implausible.

In the first place, as I have pointed out earlier, private policing is now everywhere. As private policing organizations continue to assume primary responsibility for policing in more and more areas of public and private live - as they undoubtedly will - the credibility of the proposition that they are mere "junior partners" in the provision of policing services will become increasingly attenuated.

Secondly, and related to the first point, there is, I think, evidence of growing acceptance of private policing as a substitute for policing by public police organizations, by the public generally (Shearing et al., 1985b). Private policing organizations are, I think, sufficiently sophisticated now that this is unlikely to change in the foreseeable future.

Thirdly, the current economics of policing leave little room for doubting that the growing ascendancy of private policing at the expense of public police services will continue. The fact here - and it is now well documented - is that the better private policing organizations are now able to provide policing services which are comparable in quality to those provided by public police organizations, at considerably less cost and greater efficiency (see e.g., Donovan & Walsh, 1986).

Fourthly, the economic and political power of the sponsors and clients of private policing (many of whom are giant multi-national corporations) is such that their preference for private rather than state policing services will not easily be withstood. Given their need for policing services which easily transcend national borders, this preference is readily understandable.

Fifthly, under modern conservative political regimes, it must be recognized that privatization is not a mere passing political fancy so much as an article of political faith. While policing may be expected to hold out against this ideology longer than some other areas of the public domain, there is little reason to think that it too will not eventually succumb to the same imperatives.

Finally, to elaborate a little on the last point, it is important, I think, to recognize that when it comes to policing, privatization takes two very different forms. In the first, and less radical form, privatization refers to the process whereby the state divests itself, to a greater or lesser extent, of the responsibility for enforcing and maintaining the order which it defines. Most current proposals for "community policing" involve some suggestions for privatization of this kind; some of the responsibility for crime control and crime prevention is to be passed from the public police (back) to "the community".

The second, more radical form of privatization occurs, however, when not just the implementation of order, but its very definition, is appropriated by private interests. In this version, which often is the kind of privatization which occurs when private policing organizations assume responsibility for policing, the criteria for order prescribed by the state (through, for instance, the criminal law), may frequently be effectively supplanted by definitions of order and procedures for its maintenance prescribed by private authorities (through contractual arrangements, or through the exercise of management or property owner prerogatives) (see Shearing & Stenning, 1987).

The suggestion that there are some places in our society where much of the criminal law of the land rarely operates in practice, and is in effect supplanted by rules and procedures which are privately prescribed, may perhaps come as a shock to some. Yet this is undoubtedly the case in many situations where private policing predominates. The reason for this is not hard to find; it lies in the fact that invocation of the criminal law, whether it be by public or private authorities, is discretionary under our law. The simple fact is that many (perhaps even most) private policing organizations routinely choose not to invoke the criminal process to deal with the policing problems which they encounter. Instead, they resort to other, often less visible, strategies for establishing and maintaining order which appear to them to be more efficient and more effective than the more public criminal process. In doing so, they are doing nothing illegal; they are merely exercising to the full the privileges which they enjoy as citizens, property owners, employers, landlords, bankers etc.

This last point is, I think, one of the utmost importance for the public police to grasp in thinking about their relations with private policing organizations. What it clearly signals is that when public police officials and private policing spokespeople talk about "policing", **they may often not be talking about the same thing,** although using the same words. The challenge, it seems to me, which faces the public police in their relationships with private policing organizations, is to **understand more fully the range of approaches, strategies and techniques which private policing organizations employ in doing policing, and exploit this understanding to the fullest public advantage.** At the moment, they re definitely not doing this.

In other words, instead of simply approaching private policing as a means through which the public police can achieve more effectively **their** conception of what policing is all about (which, for the most part, embraces crime prevention, crime control and "law enforcement"), public police organizations should be looking to their private counterparts for new and different conceptions of policing and how to do it most effectively. I strongly believe that if the public police approach their relationship with private policing organizations as an **EQUAL PARTNERSHIP** in this way, in which each partner is equally committed to discovering and implementing the most effective conceptions and practices through which to do policing, the quality of policing services which we receive as citizens could be greatly enhanced.

There will be those, of course, who will deride this suggestion as idealistic and naive. While I reject the latter suggestion (because while private policing organizations certainly have different conceptions about policing and how best to do it, I do not think that their ultimate objectives are so very different from those usually associated with the public police), I fully accept the former. It seems to be, however, that when the day comes when idealism is regarded as itself a reason not to pursue ideas, we shall indeed be in trouble. I make no apology, therefore, for being a little idealistic in the remainder of my talk.

Let me conclude, then, by sketching out what I believe would be some of the implications, for the public police, of trying to move towards this seventh stage, in their relations with private policing organizations, which I have been trying to suggest. Most important in this regard, I think, is what public police organizations can learn about the enterprise of policing, from the experience of private policing organizations.

What strikes me here is that private policing organizations seem to be to be "ahead of the game" with respect to almost every issue which has been identified as of critical importance for the public police. Let us briefly consider some of these:

(1) Community Policing. By any standards, private policing organizations have been more successful than their public police counterparts in plugging into and keeping themselves in tune with, the communities they serve. This is not to suggest that they too have not experienced problems in this regard, but I have no doubt at all that public police have much to learn from private policing organizations in this area. One obvious point which stands out here is how much more accurately reflective of the communities they serve is the membership of private policing organizations than their public police counterparts. This is true whether we are talking about visible minorities (indeed I would go so far as to say that the inclusion of visible minorities within the ranks of private policing organizations has probably

accounted for some of the hostility and denigration they have experienced at the hands of the public police), women, or highly skilled and qualified specialists (through lateral entry policies).

(2) Accommodating the needs of, and reducing trauma for, victims. One of the things which most distinguishes private policing organizations from their public police counterparts, is that so much of the focus of their policing is on the needs of their clients as victims (rather than on identifying and dealing with offenders). Again, there is much for public police to learn from private policing organizations in this respect.

(3) Dealing with highly organized, technologically complex and transnational crime. As the President of the I.A.C.P. noted back in 1983, the private sector has long been way ahead of the public police in these areas. There are obvious reasons for this. They have more suitable hiring practices (lateral entry); they have better access to relevant technology; and most of them are organized transnationally, and are therefore better placed to address transnational problems.

(4) Crime prevention. Although, as I shall note further in a moment, crime prevention is not the principal preoccupation of most private policing organizations (contrary to many portrayals of them), they do have enormous expertise and experience in this area. Far more of their resources and efforts are directly committed to preventive policing than is the case with public police forces (which are still, for the most part, primarily organized to react to reported incidents after they have occurred). Because of their special access to the assets they protect, and their special relationships (as agents of landlords, employers, contractual parties, etc.) with the people they police, they often have much better opportunities than their public police counterparts to put preventative policing strategies into effect and make them work.

Other areas such as intelligence gathering (and use!) and communications could also be cited in this regard. But I think that the most important thing which public police need to learn from private policing organizations is that **a preoccupation with crime - its prevention, control and punishment - and law enforcement, is not always (in fact, is perhaps rarely)**

the best focus for effective policing. This is a lesson which has, I think, potentially very profound implications for the future of public police organizations, if taken seriously.

Private policing organizations have learned from their experience that policing is most effectively (including cost-effectively) accomplished, when it is fully integrated with all aspects of the protection and safety of the community, and "embedded" in other institutions and routine functions performed by community members (Shearing & Stenning, 1984). They realize, more explicitly than the public police, that crime is only one of the problems with which effective policing needs to be concerned. Or, to put it another (more accurate) way, dealing with problems as "crimes" is only one of the many strategies available - and rarely the most effective one - for accomplishing good policing.

As a result, they have devised a whole range of approaches, strategies and techniques for doing policing which do not involve "criminalizing" behaviour or resort to the criminal process. They measure their policing productivity not simply in terms of "cases" reported, investigated and "cleared" (as, incredibly, most public police forces still do), but also in terms of a wide range of measures of safety and security achieved.

Of course, it is not quite so easy for public police forces to take such an approach, since they do not typically have such ready and legitimate access to comprehensive information about the persons and property they are supposed to be protecting. But I am convinced that much more could be achieved in this regard than has been the case up to now.

It remains true that virtually no minimum standards of "good policing practice", against which the performances of our public police forces could be measured, have been developed and applied in this country. I am hopeful that the Canadian Association of Chiefs of Police's current feasibility study for a Canadian police force accreditation program might provide some much needed progress in this area, and that it will not simply degenerate into a shopping list of equipment and resources a police force needs in order to look impressive and efficient (see Marks, 1989).

In developing meaningful standards of effective policing service, and how to deliver it, the public should, in my view, take a long hard look at the experience of private policing organizations in this regard.

In suggesting that the public police should move towards a more equal partnership in their relations with private policing organizations, however, I am not simply advocating a mutual sharing and borrowing of ideas and experiences. What I have in mind is something much more substantial.

Under the Ontario Police Act, a municipal or regional board of commissioners of police is responsible "for the policing and maintenance of law and order" within the municipality or region (Section 17(1)). Similar provisions are to be found in the Police Acts of most other provinces. At present, this responsibility is considered largely fulfilled if the police board establishes and maintains a public police force which substantially measures up to the standards of its counterparts in other jurisdictions. Whether this is the case is largely determined by other seconded or retired public police officers, who undertake periodic visits and inspections under the auspices of provincial police commissions or government departments. The process is, to put it mildly, a somewhat self-serving one.

But imagine for a moment what it would be like if boards of police commissioners began to take their responsibilities more seriously. Imagine if they took it upon themselves to draw up an inventory of **all** the policing resources, public and private, which were available, from whatever source, within their municipality, and then, with this inventory before them, and together with **all** of those who could provide those resources, they sat down and drew up, through negotiation, a master plan for achieving effective policing in the community, and a plan for monitoring and evaluating its implementation.

Imagine if, in drawing up such plans, police boards were to set aside past and present pre-conceptions about what policing "should" be done by the public police and what policing "can safely be left" to private initiatives, and instead sought to allocate policing responsibilities within the municipality according to which resources, public **or** private, could be deployed to provide the **best** policing service to the community. Imagine the lively discussions there would be about what would constitute the "best policing service". And imagine the opportunity which such a debate would present for the community at large to have direct input into the design and implementation of the policing it required.

And imagine if provincial police commissions and ministries of solicitors-general, instead of just monitoring public police forces (as they currently do), took their responsibilities more seriously, and took it upon themselves to become clearing houses for information about effective policing practices and policies of **all** kinds (whether developed by public or private policing organizations), and to disseminate this knowledge to local policing authorities to help them plan the most effective policing for their communities.

Finally, imagine if private policing executives were invited to symposia such as this one.

What a different world this would be from the one we know today. What a different relationship there would be between public and private policing organizations. And, I think, what improvements we would see in the quality of policing services available to the community. Then we would begin to see what "community policing" could really be all about.

To conclude, I think that Chief Lunney (as he then was) was on the right track in his President's Message, back in 1985. I just hope that the public police leaders of the 1990's will have the vision and courage to follow through on his ideas, and pursue them to their logical conclusions.

As John Lennon once sang, on the subject of peace (which, if course, is what policing has historically been all about, and is why we still call police officers "peace officers"):

"You may say I'm just a dreamer;
But I'm not the only one.
Some day I hope you'll join us."

Thank you.

REFERENCES

Cunningham, W. & T. Taylor. 1985. Private Security and Police in America (The "Hallcrest Report"). Portland: Chancellor Press.

Donovan, E. & W. Walsh. 1986. An Evaluation of Starrett City Security Services. University Park, PA: Pennsylvania State University.

Ellis, M. 1987. The Shopping Centre As A Public Place: The Public Use of Private Property. Montreal: School of Urban Planning, McGill University.

Geherin, D. 1985. The American Private Eye: The Image in Fiction. New York: Frederick Ungar Publishing Co.

Globe and Mail. 1987. "Public access to new tunnel to be studied, city decides" 24th March, 1987, p. A17.

Marks, J. 1989. "Accreditation Program and Code of Police Practice - Is There a Need? Is it Feasible?" Canadian Police Chief Newsletter, Vol. 8, No. 4 (April 1989): 1.

Shearing, C., M. Farnell & P. Stenning. 1980. Contract Security in Ontario. Toronto: Centre of Criminology, University of Toronto.

Shearing, C. & P. Stenning. 1984. "From the Panopticon to Disney World: The Development of Discipline" in Doob, A. & E. Greenspan (eds.). Perspectives in Criminal Law. Aurora: Canada Law Book Co., at pp. 335-449.

Shearing, C. & P. Stenning. 1981. "Modern Private Security: Its Growth and Implications" in Tonry, M. & N. Morris (eds.). Crime and Justice - An Annual Review of Research, Vol. 3. Chicago: University of Chicago Press, at pp. 193-245.

Shearing, C. & P. Stenning. 1983. "Private Security: Implications for Social Control". social Problems 30(5) (June 1983): 493-506.

Shearing, C. & P. Stenning. 1987. "Reframing Policing" in Shearing, C. & P. Stenning (eds.). Private Policing. Newbury Park, CA: Sage Publications, at pp. 9-18.

Shearing, C., P. Stenning & S. Addario. 1985a. "Police Perceptions of Private Security". Canadian Police College Journal, Vol. 9, No. 2, pp. 127-153.

Shearing, C., P. Stenning & S. Addario. 1985b. "Public Perceptions of Private Security." Canadian Police College Journal, Vol. 9, No. 3, pp. 225-253.

Stenning, P. & M. Cornish. 1975. The Legal Regulation and Control of Private Policing in Canada.

Toronto: Centre of Criminology, University of Toronto.

United States, Senate Committee on Education and Labor. 1939. Violations of Free Speech and Rights of Labor (The "Lafollette Report"), since reprinted under the title Private Police Systems, Police in America Series. New York: Arno Press and The New York Times, 1971.

PRIVATE POLICE AND PUBLIC POLICE TOWARDS A REDEFINITION OF THE POLICE ROLE

REPORT OF THE WORKING GROUP

When faced with the task of comparing private and public police roles, lively discussion from a diverse group surprisingly did result in some areas of agreement.

All felt that without doubt, private policing is well entrenched in our society and will expand in the future. There is no reason to believe that private and public police relationships should not flourish in an atmosphere of mutual respect and co-operation. Of course there are easily definable distinctions, some of which were discussed at length.

(1) Boundary lines. Clearly, private police will work in a much narrower field, dictated by the area covered by a particular plant or the financial sector serviced by a bank for example. The majority of their everyday polic work will focus specifically on the interests of the company and there may not be very much interaction with outside agencies. On the other hand, public police operate under no such constraints and their success is dependent on close liaison with the community at large.

(2) Use of the Criminal Justice System. The mandate of private police in this area is often dictated by the maintenance of the corporate image in the eyes of the consumer. In many large organizations, minor embezzlers and thieves are quietly dismissed and not charged with any offense.

To a degree public police use their discretionary powers on a daily basis for similar reasons; maintaining public support. A motorist stopped for speeding could be excused or the charge reduced if a reasonable explanation is given to the officer. "Pro Life" protesters arrested outside the Morgantaler Clinic in Toronto on a substantive charge that is "Cause Disturbance" are processed at the local police division and later released under the breach of peace section, without charge. This strategy is in the public interest in that the area of impediment is effectively cleared and the courts do not become backlogged hearing cases where criminal intent is often based on religions or moral grounds.

(3) Growth. Growth in the private sector will be experienced in many areas. Small businesses who would not normally hire private security forces would benefit from such a service when costs are shared by all in a shopping mall type setting. Growth through lateral entry of experienced personnel with specific talents is easily accomplished in companies now in a transitory period from labour intensive to hardware intensive. There is an apparent decline in personnel whereas technological innovations are rapidly gaining ground.

(4) Accountability. Accountability is undeniably the main area of concern regarding private police. Other than basic licensing and the threat of civil action, control of these agencies is almost non-existent. Perhaps it is time for the Solicitor General's Ministry to consider this situation and initiate some form of legislation aimed at uniformity and accountability. One suggestion was to empower police boards of commissioners to study and make recommendations in this area. A healthy environment would be created if representatives of private police were invited to these sessions.

Security related conditions could be attached to the granting of building permits and licenses for large housing complexes and shopping malls.

Of course the public police are accountable at many levels. The supervisory structure within police forces focuses primarily on the guidance and maintenance of discipline of its officers. Investigations by internal affairs units and complaint bureaus are conducted on a daily basis. Independent investigations and rulings by the office of the Public Complaints Commissioner are a way of life in Metropolitan Toronto.

Offenders are regularly brought before force tribunals to face charges under departmental rules and regulations or Provincial Police Acts. Sentences here are often more severe than those imposed by Provincial Courts.

Based on our discussions, the group felt that policy should clearly define a complementary relationship between public and private police and not one that is one sided or heavy handed. This policy should involve a comprehensive negotiation process where the role of private police is clearly identified.

> The public should not feel they have to pay extra to buy basic policing but rather an enhancement or a supplement to the public service. Policy should reflect this as an extension of policing, not as a total alternative.

Roy Lawson
Inspector
Metropolitan Toronto Police Force

THE ROLE OF THE POLICE LEADER IN THE 21ST CENTURY

Robert Lunney
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Cyrus the Great, in 550 B.C., deposed his sovereign the King of Medea, conquered Lydia and Babylon and founded the Persian Empire which extended from the Indus to the Mediterranean, from the Caucasus to the Indian Ocean. It is recorded that his success was due to a perceptive knowledge of human nature, an ability to select and assign subordinates skillfully and to prepare for his campaigns with careful training. He was possessed of a vision of the future and pursued his objectives with deliberate strategy. On tactical matters, he was prepared to accept a calculated risk in pursuit of victory. History recognizes Cyrus as the consummate leader of his time: wise; skillful and daring.

The role of the leader has not altered: to define the objectives; to determine the plan of action; to organize people and resources in pursuit of the objective; to motivate, control and moderate the process. I was privileged to be in a group addressed by Admiral Hyman Rickover of the United States Navy, father of the nuclear submarine program and an acknowledged expert on achievement of difficult and complex tasks. The Admiral was asked: What are the essential elements for success? He snapped back "Commitment, concentration and meticulous attention to detail." From Cyrus the Great to Rickover, from chariots to underwater warfare, some things have not changed.

CONTEXT AND LEADERSHIP

If the basic issues of leadership have not changed in twenty-five hundred (2500) years, the field of action in modern western society and its requirement for leadership is a world away from the dusty battlefields of Asia Minor. We deal in sophisticated and difficult concepts: values, positioning and organizational culture. In place of battlefield examples we relate to the tactics of games. The technology of force is replaced with informational technology and applied science. The underlying principles are the same, but the context or field of action, has altered.

The skills and style of the leader must be appropriate to the context. Leaders do not create the great movements of history. They are the people who correctly define what directions are possible given the flow of events and conditions, and then act to guide and make advantage of the available forces. A good leader recognizes where the parade is headed, then gets out in front and leads towards the best of several possible destinations.

The good leader also adopts a style appropriate to conditions and the qualities of potential followers. The imperious style of a warrior King of ancient times would send any modern enterprise into disarray in a single day. By contrast, a leadership approach which is too subtle and ambiguous cannot succeed when the times require a firm touch and decisive action. A good leader practices situational management, sizing up the context with accuracy and responding with the right decisions at the right time. The role of the leader in the twenty-first century will relate directly to the context of the times. Therefore, in our examination of the role of the leader next century hence, let us speculate on the conditions we may reasonable anticipate.

How will conditions differ eleven years in the future, on the eve of the 21st Century? How much different is today from 1978? In fundamental ways, not much. There have been shifts in the economic balance between nations, but they are not drastic. Democratic institutions are little changed although the cast of players has altered. Drug abuse and violent crime have remained a continuing concern. Police organizations have shifted towards more emphasis on prevention, but calls for service continue to roll in.

When the 19th Century turned, newspapers and periodicals were awash with predictive accounts of the golden age which lay ahead, with it's promise of applied science and the power of industry. There were even predictions of the end of the world on December 31st, 1899. People awoke the next day to find things just about the same. Barring an unpredicted nuclear holocaust, don't expect a drastic realignment for the first decade of the 21st Century. Do expect some predictable occurrences arising from trends discernible today, and do expect some completely unpredictable events. If we can't predict the unpredictable, what of the clear trends and eventualities?

Demographics

The most important factor of post World War II North American society is the emergence and progress of the big generation, the so called "baby boom". From 1952 to 1965 a cohort of children emerged 30 to 50% overstength to previous generations. By 1966, this population segment formed thirty-three percent (33%) of the total population; an unprecedented situation. As they impacted on society, every institution and activity was overwhelmed and changed: education, consumerism; housing; employment and, in time to come, the social security system. From kindergarten through the revolution in music, fashion fads, fast foods and drug abuse, the big generation has overturned every convention and established its own behaviour and beliefs. Keep in mind that those manifestations of attitude and preference are very much a product of experience, which is collectivist in its organization; paradoxically both individualistic and pluralistic in its aspirations; blighted in its prospects for economic success and understandably fixated on short-term gratification of needs. The big generation is the most potent force for change in these times and nothing will impede its dramatic impact upon society in the first quarter of the 21st Century.

By the year 2000 the big generation will be age 35 to 48. By 2010, they will be 45 - 58, and their members will dominate positions of authority. All of their experience, their values, their wants and needs, will establish the context for the new age. The essential element to speculation on the demands upon leadership in the twenty-first century lies in analysis of the big generation and its coming monopoly of authority.

We can likely predict very accurately that there will be more emphasis on interpersonal communication, and participative management style and that people will demand a meaningful experience from work. They will require a wide range of choice in every aspect of employment. The availability of leisure time will be an important factor and opportunities for personal growth will be required by workers at all levels, not just those at the top. Competition may be fierce by reason of sheer numbers for high status and leadership positions, but by virtue of a lifetime of coming to terms with an overcrowded cohort, many persons will settle for a more moderate economic standard and attempt to maximize quality of life factors. Work will be organized around teams and work groups. Collective problem solving methods will be preferred. Values and ethics and concern for quality of life and quality of environment will be elements to all issues and issues in themselves. These items will represent the agenda of the dominant generation of the first decade.

The age cohort following the big generation is decidedly different. In contrast to the baby boom, the generation born from 1966 to 1975 constitute the baby bust, or the baby boomerang as they are called. Significantly smaller in number and products of yet another variation of experiences, the computer babies (in contrast to the preceding TV babies) are sharply more individualistic and less inclined to cooperative effort. Their entry into employment stalled by the excessive numbers of the big generation, they tend to be more intensely competitive. Their educational experiences and interface with computer technology has induced an inclination towards autonomy and self direction. In many ways they seem the antithesis of the big generation. Look for evidence of friction between the baby bust cohort and the big generation. Their differences in outlook and goals may stimulate some forms of disorder. Although the lesser numbers of the younger generation will not generate a statistical upsurge in criminal conduct, their impatience and competitive spirit could result in new and difficult forms of public protest and low level forms of terrorism. There is evidence of this already in the re-emergence of youth gangs and cultism. Watch for extremes of criminal behaviour and antisocial acts.

Economics

Worldwide economic forces will be another factor controlling the social environment of the turn-of-the century. By the year 2000, the world economy is likely to be dominated by giant trading blocks, structured partly by political forces and partly by the machinations of giant corporate forces. North American seems certain to be locked in a rapidly changing competition for economic ascendancy with Europe, Asia and possibly the Eastern block of nations. Liaisons will fluctuate and there will occur a great reordering of manufacturing and service concerns. Information and control of knowledge will constitute a new world currency. For governments and private enterprise, effectiveness and efficiency of operation in every form will be the measure of success or failure. This fierce competition will exert pressures for greater productivity and enforce control of public spending.

Politics

Translated into human terms, the economic pressures on North American society may force the division of productive persons into categories of professionals, technicians and low-skilled service workers creating definable distinctions of economic stratification in society. What has been a relatively homogenous middle-class could split into a relatively smaller but prosperous band of middle class population, separated from an underclass subsisting on low-skilled part-time and temporary employment with unstable social support, precarious housing arrangements and little prospect of improving their situation. This is the grim forecast feared by many leaders of minority groups in the United States.

On the political agenda it now seems probable that a world-wide reordering will occur during the next twenty years, with the communist block of Eastern European nations undergoing a process of democratization and The Peoples Republic of China continuing to exhibit an unbalanced posture. Precisely how these factors will affect Western society is unclear and constitutes one of the ponderable aspects of the future.

Perception of Time

We live in a period when time lines are undergoing a rapid compression. Personal attention spans are measurably shrinking. The video remote control and the rock video are symptomatic of a zip and zap peculiarity of thought; information overload inhibits our consumption of knowledge by encouraging scanning and super-selective reading; very little material receives our concerted attention. Issues rather than movements or long-term trends dominate the political and organizational agenda. We fret about oil spills rather than the broad impact of fossil fuel use. The fate of three whales in an ice pack seizes more attention than the impact of pollution of the oceans or the effects of over-harvesting fish stocks. Labour relations are conducted to advantage short-term economic gain to the detriment of long-term human resource development. Short-term issues tend to monopolize both national and local politics.

This development is one of the undesirable impacts of short-term gratification conditioning of the big generation. If we persist in applying short-term regard for the world around us, we will be easy prey for those competing societies with a cultural bias towards long-term movements and evolutionary change. Without a strategy, grand or otherwise, good tactics are inconsequential. Reliance upon short term expediency and quick returns is a threat to the survival of western society. Coping with the misperception of time may be the most important challenge facing leaders at all levels over the next twenty years.

These are the predictable trends which will impact upon the turn of the century and beyond; the social, economic and political conditions of the future. Together with unpredictable factors, they establish the context within which leadership will function.

THE LEADERSHIP AGENDA

Crime

The police leader of the twenty-first century will be challenged by patterns of major crime and disorder familiar today: international and domestic terrorism in all its forms; drugs and extremes of violence, individual and collective. Violent and property crime rates should decline on a per capita basis due to the aging of the big generation and the relatively smaller cohort which follows. There will be fewer persons in the crime-prone age groups, fewer criminals and fewer crimes. The exceedingly high rates of the late 1960's, the 70's and the early 1980's will be recognized as an aberration. From the viewpoint of the public this may be of academic interest, however, because the extremes of violent criminal behaviour resulting from drug abuse and other endemic social ills will give rise to a prevalent fear of crime disproportionate to its statistical impact.

We should expect a continuing incipient threat of incidents of public disorder, the trigger for outbursts being turf wars between criminal gangs for territory or market share; racial incidents; legal public gatherings subverted by hoodlums for riotous purposes; or labour disputes manipulated to provoke violence for the advantage of one or the other of the parties. Police forces throughout western society will sharpen their tactical plans in response to public disorders of all types and train and equip their personnel to deal with mass disorder with firmness and safety. On an individual and team basis, the tactics of officer safety will be given high priority as a continuing training program, to enable police officers to deal effectively and safely with physical threats but without the provocative elements of early police tactical response units. Their communications and defensive weapons will be the best available. Police executives will search out and lobby effectively for development and provision of non-lethal weapons as an alternative to deadly force.

Unless the criminal justice system learns how to deal quickly and effectively with violent criminals there is likely to be an increasing swing to civic disobedience and vigilante-type action supported tacitly by normally law-abiding citizens. The cry of Harry Beal in the film Network "I'm mad as hell and I'm not going to take it anymore" struck a responsive chord in the minds of this generation. Would-be crusaders ranging from militant neighbourhood action groups through to guardian angels and white supremacist organizations stand ready to usurp authority and take the law into their own hands if the justice system cannot contain crime. Police leadership will influence political and judicial establishments to comprehend this developing threat and respond effectively, so as to deny the critical factor of passive support by the majority.

In western society fraud in many forms will be recognized as a major crime trend of the twenty-first century and police leaders will shift more resources to this field while improving investigative skills through training and contracting out some activities to accountants and other financial specialists. The private sector is likely to play a major role in the investigation and control of business crime.

Despite this assault by criminal interests, communities will continue to look to the police for leadership, and in particular police chiefs will be judged on their ability to inform and marshal public opinion in opposition to anti-social behaviour ranging from drug abuse through to impaired driving, and their skill in directing and sustaining community-based crime prevention efforts. The attraction and motivation of volunteers will be a key performance indicator and police leaders will learn to exercise their political skills in developing a constituency of support in the community.

Science and Technology

Police leadership of the twenty-first century will have available a vast selection of scientific and technical aids to law enforcement. Skill and foresight will be needed to purchase selectively from tight budgets to avoid fads and dead-end technology and ensure the longest possible useful life for each application. Rapid obsolescence of equipment will be a constant problem. Communications technology offers the best possible focus for improving police effectiveness and efficiency including wide-spread use of computer based learning systems for recruit and in-service training. Scientific aids for the detection of offenders and surveillance devices promise the next best opportunity. The police leader with a shopping list for technology and a limited budget will apply acute judgement. Expect planning and assessment times to increase and that more resources will be allocated to operations research and systems planning.

Environmental Planning

The police leader of the 21st century will be attentive to the environment. In the manner that a successful salesman knows the territory, the police executive will develop a keen awareness of the social and physical characteristics of the jurisdiction. As North American society trends towards greater urbanization, it is crucial that police broaden their knowledge of city life and the habits, peculiarities and mores of city dwellers. The patrol officer learns to function as a street psychologist; by extension the police leader will become an expert in the sociology of cities.

Crime prevention through urban design and the concept of defensible space was first publicized in the early 1970's, with interest in the ideas of Oscar Newman and others. In a number of police jurisdictions, the concepts were applied through police participation in city planning and park design and in some cases the design of public buildings and shopping malls. By lack of consistency and possibly imagination, however, the opportunities have not been realized. As police executives become better acquainted with urban issues a resurgence of interest is predicted. Influence upon urban design by working with city planners, architects and builders will represent a relatively inexpensive but effective opportunity for preventing and suppressing crime in cities. The police leader of the 21st Century is likely to be on personal terms with senior city planners and frequently interacting with urban study groups at the local university.

The concept of crime prevention through social planning is another idea of the 1970's functioning fitfully in current times but likely to reemerge as a major issue by the end of this century. In the 1970's major police crime prevention activities focused on reducing opportunity through target hardening, improving defensive surveillance through organizing block watch and similar citizen based crime prevention programs, and coordination of police efforts with probation and parole agencies to dissuade re-offending. Crime prevention through social plananing suggests the networking of elements contributing to social stability and directing efforts at the roots of crime, linking protective forces with improvements to health, employment, housing conditions and social services.

By the late 1980's discernable progress has been made in Britain and France through pursuit of this technology with a significant element of central government influence. In North America we have our model projects and some examples of excellent coordination with one or more of the other elements. Perhaps application of problem solving methodology by police at the neighbourhood level will stimulate broader application. External to the police is a "healthier cities" concept with international ties involving national governments and centres for academic study. The Centre for Legislative Exchange which brings U.S. and Canadian legislators together to exchange ideas and promote understanding on issues within North America has recently taken up the topic of the role of the legislator in making communities safer from crime. A European and North American Conference on Urban Safety and Crime Prevention is scheduled for October, 1989. Legislators and academics will be principally represented. It is clear from these indications that urban crime and disorder will be a major preoccupation of governments in the next decade through to the turn of the century.

By the 1980's police leaders realized that police alone cannot control and suppress crime. They opened up to greater cooperation with community groups and local interests and that is excellent but still too limited. Police Executives will now turn their attentive capacities to macro issues of organizing a society to combat crime and disorder while maintaining a concern for democratic institutions and principles. The police leader of the 21st Century will be an active participant at the international congresses and national committee tables as well as participating as a major player on urban and crime control councils. An indirect strategy of confronting the roots of crime is a necessary complement to the direct strategy of crime fighting.

Organizations and People

The real challenge for the police leader of the twenty-first century lies with organizing and motivating people. Policing, in the recent past was still at the level of a craft or skill and unions and associations of police still have more in common with trade associations than professional organizations. The goal of police leadership of the 1980's is full professional status and great efforts are being made, albeit unevenly, to achieve the recognized attributes of a profession. This goal is highly desirable, since it will obtain for society the high standards and self-discipline which will ensure the best service to the public. However, there will still require to be done a host of routine peace-keeping and watchman style duties. Professional people cannot be attracted and motivated by such assignments.

Professionalism for the full service style police generalist and the specialist and administrator requires adaptation to a multi-tiered police organization with well defined admittance standards at each level and providing opportunities for lateral entry. The licensing or accreditation of police officers within jurisdictions is a natural support system, likely administered at the state and provincial level, with reciprocal agreements between jurisdictions permitting lateral movement. An accreditation system for law enforcement agencies has emerged in the 1980's which will flourish and expand through to the next century, either in its current North American model or some alliance of similar models. It is likely that by the turn of the century a combination of professional impetus and public pressure will make accredited status mandatory for all permanent agencies. To the extent these development criteria are not in place by the year 2000, they will be a primary agenda item for contemporary leadership.

Equality will be a major ethical value as interpreted by the legal system. By the year 2000, women will achieve true equality of status. All calculations of the future must include this exceedingly important eventuality. Wherever women have emerged as a significant force they have introduced a leavening or civilizing influence. A greater number of women in positions of authority will result in more humanistic qualities expressed through management. The big generation has shown an abiding yearning for a more nurturing environment, and will likely turn to more women in positions of leadership to provide that desired quality. As more women break into management, develop their support systems and build their confidence, expect women to emerge as a major management resource. The managerial emancipation of women will be an important factor for leadership in the 21st Century and a "secret weapon" for the West locked in a struggle for economic superiority with less democratic societies.

Police leadership in the twenty-first century must be committed to a process of continuing education which is both relevant and effective. Assuming that by the year 2000 most police recruits will possess university or college graduation credentials, the problems anticipated for industry in respect to lack of basic skills should not be an issue during induction and orientation. Still, continual amendments to the justice system and societal change will require that police officers have access to a continuum of training and education throughout their careers. Police leadership will ensure that standards, materials, motivational factors and evaluation are in place to provide an effective system. As parallel to the management of technology, expect police leadership to increase the investment in research and development of training and education as the twenty-first century draws upon us.

In law enforcement, the work itself is the major source of motivation. In the 1980's the operational police officer's dissatisfaction with the trend of the justice system towards the extremes of legalism began to temper enthusiasm for the work and reduce job satisfaction. Unless there is some drastic movement towards reform of procedures and clear evidence of real effectiveness as perceived by officers, the police leader of the 21st century will remain tasked with seeking ways to mitigate or control the damaging effects of severe frustration and cynicism. Similarly it will be the role of leadership to impact upon the internal culture of police organizations to eliminate the sources of job-related stress arising from organization design, personnel policies or the design of compensation systems. It may be too optimistic to predict that by the end of the century management and unions will establish common ground and together agree to rationalize systems of promotion and pay in ways which better recognize the career experience of the average officer. As matters stand, the high rate of job related anxiety experienced by police officers is too corrosive and there are too many casualties from job stress.

Leaders of the next generation are certain to sustain the emphasis on stress reduction through physical fitness activities begun in the 1970's, and the years to come should see more introduction of comprehensive employee assistance programs and perhaps mass instruction on restorative techniques such as the contemplative thinking. Police union leaders have a commensurate responsibility in this regard. It is not acceptable to sit on the sidelines and carp about "bad morale". The union leadership bears a responsibility for the attitudes of their members and are accountable to the public for the consequences of their actions. When we speak of police leadership, let us not forget the unions and associations. The dark streak of desperation and depression must be bleached out of police organizational culture.

Ethics and Values

The emphasis upon ethics and values which is coming to dominate the agenda for leadership at the close of the twentieth century will require new standards of honesty and candor from police executives. Where in the past it was tacitly acceptable to substitute silence, prevarication or bafflegab for unpalatable messages, leaders will find their constituencies more able and willing to deal with difficult issues and conditions for which there are often no ready solutions. A direct approach, frankness and honesty will be in tune with the expectations of the new constituency. By the same token continuing education on ethics and values will be adopted by all departments and agencies as essential to organizational health. Officers must know with certainty what is expected of their official and personal behaviour. There will be clear and open discussions of the temptations of corruption in all its forms including minor transgressions.

The police executive carries a responsibility shared by few other leaders of society; that of representing the moral aspirations of many persons in the community. Religious leaders and their congregations, some persons in political life and many good citizens everywhere have an expectancy that the police chief will sustain a morally correct position. The shades of morality are quite subjective. Many equate forms of criminal behaviour, and some which may not be criminal such as gambling, with a form of grievous sin which the Chief is expected to oppose, and if possible, eradicate. The Chief who attempts to define his office in purely legalistic terms and ignore this constituency of opinion does so at risk. At best there is the probability of offending and losing the support of many positive elements of the community. At worst, ignoring this segment of opinion and practising personal behaviour deemed immoral or unethical in the eyes of many may result in loss of confidence and employment.

Whether the police executive likes it or not, some elements of the public will expect positions to be assumed on moralistic issues. Reliance upon legal imperatives, common sense and forthright and honest responses although not necessarily in agreement almost always will achieve an acceptable balance in the light of public opinion and political realities, but this area can be a mine field for the unwary. The issue of "Police Chief as Moralist" will be a curriculum subject in preparation of police leaders for the twenty first century. With the anticipated emphasis on ethics and values now emerging, this may be a critical issue.

Equality and tolerance will be other important issues for policing in the twenty-first century. Equality of opportunity as a constitutional right will be defined and refined in the courts for the next twenty years by conservative estimate, until legal and moral suasion bring closer to reality this basic value of a democratic society. Equality of opportunity as applied to police forces has already received a great deal of special attention in respect to discrimination on the basis of age, sex and race. These issues are likely to persist into the twenty-first century as the goldfish bowl environment of police organizations continues to serve as subject and surrogate to social reform movements. The police leader of the twenty-first century will find this item on the political agenda, both external and internal.

Tolerance is the disposition to tolerate beliefs, practices, and habits differing from one's own. A tolerant society is one which is attentive to the thoughts, concerns and conditions of all its people and is continually and reliably observant for signs of intolerance. The police have a critical role to play in sustaining tolerant behaviour. They preside over the society of the street where intolerance first shows its face; they defend the victims of intolerance through law enforcement and they are in a position to influence the young and impressionable. The police leader of the next century will possess an acute awareness of the capacity of the office to influence tolerant behaviour and the essential role of tolerance in sustaining democracy.

THE LEADER

Changing conditions require a new vision from leaders and a new definition of purpose and success. The leader must first acquire a sense of context and agenda. The new vision must be compatible with this context and be accepted as desirable. The leader with an accurate sense of the context will intuitively seize upon the right issues and right directions at the right time. It may be said that the good leader has a gift for the obvious. Given the qualities prevailing in the mores of big generation followership, the vision expressed by the leader must be ethically sound, and must be perceived as having intrinsic value and emotional appeal. The leaders must provide the substance which connects the social architecture. They need not be charismatic (and in all likelihood in these times the flamboyantly charismatic personality will not be in vogue) but must inspire trust and promise meaningful objectives. More important than charisma is a sense of command and a sense of personal destiny, a quality which grows from introspective self-examination.

The police leader of the twenty-first century will be a hands-on style, action oriented manager. Adept at maintaining high visibility within their organizations, the leader will habitually "walk the ship" and keep close psychological contact with the work force. Communication skills will be paramount and by the twenty-first century it is likely that police leaders will have graduated from a variety of media liaison and multi-media presentation schools, attaining expertise at explaining police problems and conditions to the public while translating public wants and needs for an internal audience in the process of adaptive change.

The leader must make full use of the entertainment value of management. Goals and objectives need not be dull, enthusiasms may be invoked using humour and dramatics; people must have ceremonies to mark important organizational events and to recognize heroes. The members of the big generation have been entertained all their lives and will not accept boredom. Mere competence will not be enough. Those who would lead must be prepared to produce a show!

The leader must possess a capacity for strategic thought and planning. Strategy is a military term to describe generalship, the art of managing armies in a campaign or of moving or disposing of troops or ships as to impose upon the enemy the place and time and conditions for fighting preferred by ones self. Strategy is the planning process by which the leaders attain their ends. It may be direct or indirect, positive or negative. A study of the art and practice of strategy is important for success for any significant purpose. The best source of material is historical references: the great generals, great politicians and great theoreticians. Pivotal victories and lasting results are rarely achieved by chance, but most often by the most meticulous of calculations. The capacity for strategic thought is critical to success.

We are attempting to cast our minds forward to the 21st Century and gauge the portents of the future. The impending turn of the century will inspire many such efforts and for most of us this is not the first or will it be the last invitation to speculate on what the future will bring. The study of the future should not rely on such expedient and short-lived stimulus. By possessing a knowledge of the past we can learn the lessons to apply in the future; through identifying the key indicators of the present we can accurately define the parameters for future eventualities; through developing an active curiosity and a sense of anticipating and opportunity we can hope to influence and shape the direction of society.

The developing police leader of the 21st century must be a self-proclaimed futurist, unabashedly following futurist writings and ideas wherever they may be found, in books, periodicals, news items, the electronic media and through affiliations with future thinkers. The World Future Society, through its monthly publications, the World Watch papers, the annual meetings and periodic congresses is an excellent source of balanced commentary on future studies, and New Age writings now attracting increasing notice can be another stimulating source if selectively accessed to screen out the fanciful and methaphysical. Even the best of science-fiction is a stimulus to creative thought. In many cities there are groups dedicated to future studies, usually congregated at universities. If the role of the leader is to provide foresight and vision, then surely perspective, knowledge and imagination are essential to fulfilment. Future studies should be a major agenda item on senior police executive courses.

Leaders at any time in history have understood the nature of power. The leaders of the west in the social context of the twenty-first century will rely not so much upon the legitimacy of their appointments but upon referent power invested in them by their followers. Referent power is that investment of authority, that permission to lead, freely projected into the leader by the social constituency. It is the will to project ones own best aspirations into the personality of the leader and to believe that the qualities of the leader will bring about a desired direction of result. Freely given, referent power is freely removable. The leader of the twenty-first century will find that constant communication with the constituency is essential to retaining power and influence and that the sensing mechanisms for maintaining an awareness of altered thinking or behaviourial shifts are an important keystone of success. The leader will learn to maintain flexibility and keep options open.

The big generation, the major single constituency of the leader of the year 2000 to 2010, will place a high regard upon values and beliefs. By 2000, we will accept ourselves as a values driven culture. The leader will be measured on the basis of expressed ethical values and the behaviour against which commitment is evaluated. Inconsistencies will detract from the ability to be effective and as even in the 1980's, will be fatal to those who are found wanting in moral capacity. The sagacious leader of the new age who wishes to be attuned to another emerging central theme would be well advised to adopt a nurturing attitude towards all expressions of the qualities of tolerance and civility. The big generation has learned the necessity of sharing and of getting along despite adversity and turmoil. The qualities of the peace-maker will be highly valued.

The instrument of leadership is the individual. It is the self, the cognitive mind and its capacity for singular will that leadership depends. Scientific knowledge of the workings of the human mind is in its infancy, but what we do know encourages us to believe that the mind can be trained and re-trained, and consciously managed to become more accurate in its powers of information management. The practice of certain exercises of relaxation and meditation are believed to foster the creative and comprehensive powers. We must learn to unbundle and discard obsolete thought patterns, and reprogram our minds to new realities. By the twenty-first century, those in positions of leadership should have available an art, if not a science, of management of the mind perhaps applying concepts which were lately resident only in religious practice and mysticism. The frontiers of the mind are limitless to us at this point. While outer space beckons, exploration of the space between mans' ears may be more relevant to our survival.

A key aspect of development is the management of one's self to deal with stress and its debilitating effects; to deal with the temptations of power and authority; to learn to sustain one's sense of humility; and to maintain at all times a balanced humanistic attitude to life. At the final step in the maturation process, somewhere between age 42 and 56 personal style is finally established and personality attributes are delineated. This is the last critical opportunity for redirection and gaining fresh insight. Strengths should be accentuated and promoted; weakness acknowledged, balanced and identifies for continuing work. Possibly the most influential role in development of leaders of the future can be undertaken by the current leadership through nurturing, examination and preparing their successors in these few years remaining in the 20th Century.

For the putative leader some portion of the next few months or years should be devoted to self-examination on fundamental questions: Where have we been? What are the critical issues? What are the important trends? Where do we want to go? And the personal issues: Who am I? What do I believe in? What have I accomplished in life thus far and what do I want for the future? What do I want to accomplish through my career in policing? In an age when we are bombarded with external stimulation solitary time devoted to introspective thought is essential to composure and clear thinking. Some time in every day should be devoted to this restorative process by the prospective leader.

CONCLUSION

The agenda for leadership postulated here is admittedly idealistic and may seem dauntingly comprehensive and broad. For the contemporary police executive daily confronted with crisis and compelled to make compromises with conflicting priorities, a theoretical treatise can often induce more frustration. I have not met many who have "been there", however, that are not prepared to strive for better, whatever the odds. Perseverance, after all, is a critical element of leadership, and there is a solid core of progressive thinking in police leadership today. We must have our dreams and aspirations.

With finality then, as to ultimate goal for police leadership in the 21st century, there is only one: the pursuit of excellence in all things. Policing must attain professional standards. The key leadership and street professionals in policing must continue to regard their purpose as a vocation or calling in life. Police officers must dedicate themselves to public service, to acceptance of responsibilities and to a willingness to undertake the influencing of the direction of society for good purpose. The 21st century will surely bring more technical complexity to the role of law enforcement and there is no indication that the major social ills of the present will diminish. Economic conditions will fluctuate and the struggle to sustain efficiency will be neverending. There is no bright millennium on the horizon. there are many harsh realities. But there is knowledge; there is will; there is hope; there is indomitable spirit; there are many allies willing to work together for the common good. **NULLE BASTARDOS CARBORUNDOM*** (Blessed are the bastards who grind it out).

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